



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Mark Grzan, Mayor Pro Tempore	Mark Grzan, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, FEBRUARY 15, 2006**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**6:00 P.M.**

*A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions; and a Special Redevelopment Agency Meeting is called at 7:00 P.M. for Conducting Redevelopment Agency Business.*

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**6:00 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

**1.**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code Section 54956.9(a)  
Case Name: General Lighting Service, Inc. v. Wells Construction Group, et al. [Consolidated Actions]  
Case Number: Santa Clara County Superior Court, Lead Case No. 1-04-CV-025561  
Attendees: City Manager, Interim City Attorney

**2.**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code Section 54956.9(a)  
Case Name: Berkman v. City of Morgan Hill et al.  
Case Number: Santa Clara County Superior Court, 1-04-CV-031021  
Attendees: City Manager, Interim City Attorney

**3.**

#### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Authority: Pursuant to Government Code 54956.9(a)  
Case Name: Tichinin v. City of Morgan Hill  
Case Number: Santa Clara County Superior Court, Case No. 1-05-CV-046112  
Attendees: City Manager; Interim City Attorney

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **RECOGNITION**

Officer Eric Mosunic, Recipient of the California Highway Patrol "10851" Pin  
Police Chief Cumming

### **INTRODUCTION**

Ryan Klemencic, PW Engineering Aide  
Public Works Director Ashcraft

### **CITY COUNCIL REPORT**

Mayor Pro Tempore Grzan

### **CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 1-11**

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

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**Consent Calendar: 1 - 10 Minutes**

1. [INDOOR RECREATION CENTER \(IRC\) PROJECT – JANUARY CONSTRUCTION PROGRESS REPORT](#) .....10  
**Recommended Action(s): Information Only.**
2. [SECOND AMENDMENT TO SAN PEDRO PONDS JOINT USE AGREEMENT](#).....11  
**Recommended Action(s): Approve** the Second Amendment to the Joint Use Agreement with the Santa Clara Valley Water District, Subject to City Attorney and City Manager Approval.
3. [AGREEMENT BETWEEN CITY OF MORGAN HILL AND SANTA CLARA COUNTY FOR OBTAINING ORTHOPHOTO AERIAL PHOTOGRAPHS](#) .....12  
**Recommended Action(s): Authorize** the City Manager, Subject to City Attorney Review and Approval, to Execute an Agreement with the County of Santa Clara for Obtaining Orthophoto Aerial Photographs of the City of Morgan Hill at a Cost of \$17,073.
4. [CONSULTING AGREEMENT FOR SUB-REGIONAL FIRE SERVICE STUDY](#).....13  
**Recommended Action(s): Authorize** the City Manager to Execute Contract with Citygate Associates for the Purpose of Conducting a Study on Sub-Regional Fire Service.

**Time Estimate**  
**Consent Calendar: 1 - 10 Minutes**

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5. **RECRUITMENT EFFORTS TO FILL UPCOMING VACANCIES TO BOARDS AND COMMISSIONS, AND EXTEND TERMS OF OFFICE** .....62  
**Recommended Action(s):**  
  1. **Establish** February 2006 as Recruitment and April 2006 to Interview/Appoint to Fill Vacancies on the Library, Culture & Arts Commission and Parks & Recreation Commission;
  2. **Establish** April 2006 as Recruitment and May 2006 to Interview/Appoint to Fill Vacancies on the Architectural & Site Review Board (ARB), Mobile Home Rent Commission, and Senior Advisory Commission;
  3. **Direct** Staff Regarding Questions the Council would like Added to the Applications, if any; and
  4. **Extend** the Terms of Office for Library, Culture & Arts and Parks & Recreation Commissioners until such Time as the Council Concludes the Interview and Appointment Process; **Directing** the City Clerk to Notify the Commissioners of their Term Extension.
  
6. **RESOLUTION OF INTENT TO VACATE A PORTION OF TAYLOR AVENUE AND SETTING TIME AND PLACE FOR THE PUBLIC HEARING** .....63  
**Recommended Action(s):**  
  1. **Adopt** the Resolution of Intent to Vacate a Portion of Taylor Avenue; Thereby Setting March 15, 2006 at 7:00 P.M. in the Council Chambers as the Time and Date for the Public Hearing; and
  2. **Direct** the City Clerk to Publish the Adopted Resolution of Intent as Required by State Law.
  
7. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2005 QUARTERLY REPORT #4** .....66  
**Recommended Action(s):** **Accept** and **File** Fourth Quarter Report for 2005.
  
8. **ADOPT ORDINANCE NO. 1754, NEW SERIES** .....67  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1754, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1733, NEW SERIES, AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION MP 02-06: EAST DUNNE-DEMPSEY (DELCO) ALLOWING FOR A SIX MONTH EXTENSION OF TIME FOR SUBMITTING AND OBTAINING BUILDING PERMITS FOR 8 ALLOCATIONS RECEIVED IN THE 2003 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) COMPETITION. (APNS 817-11-067 & 817-11-072).**
  
9. **ADOPT ORDINANCE NO. 1755, NEW SERIES** .....72  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1755, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH AN R-2 3,500/RESIDENTIAL PLANNED DEVELOPMENT ON A 7.5 ACRE SITE LOCATED ON THE NORTH SIDE OF EAST CENTRAL AVENUE AT THE NORTHERLY TERMINATION OF CALLE MAZATAN. (APN 726-26-004).**
  
10. **ADOPT ORDINANCE NO. 1756, NEW SERIES** .....77  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1756, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT APPLICATION DA-05-05 FOR APPLICATION MP 04-14: CENTRAL-HU (DELCO) (APN 726-26-004).**

**Time Estimate**  
**Consent Calendar: 1 - 10 Minutes**

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11. **USE OF THE FLOATING DATE FOR A GENERAL PLAN AMENDMENT REQUEST INVOLVING A VACANT 2.66 ACRE PACEL ADJACENT TO AND NORTHERLY OF THE WALNUT GROVE DRIVE/LAUREL ROAD INTERSECTION** .....80  
**Recommended Action(s):** **Direct** Staff to Utilize the Floating Date, if Necessary, for a General Plan Amendment Request Involving a 2.66 Acre Vacant Parcel Adjacent to and Northerly of the Walnut Grove Drive/Laurel Road Intersection.

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEMS 12-16**

**Time Estimate**  
**Consent Calendar: 1 - 10 Minutes**

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12. **RESOLUTIONS TO AUTHORIZE THE DEPOSIT AND WITHDRAWAL OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)** .....81  
**Recommended Action(s):**  
1. Acting as City Council, **Adopt** Resolution Authorizing Officers/Employees, and their Successors, to Deposit and Withdraw Monies in the Local Agency Investment Fund.  
2. Acting as Redevelopment Agency Board, **Adopt** Resolution Authorizing Officers/Employees, and their Successors, to Deposit and Withdraw Monies in the Local Agency Investment Fund.
13. **APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 20, 2006** .....86
14. **APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 21, 2006** .....87
15. **APPROVE ADJOURNED JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 25, 2006** .....88
16. **APPROVE JOINT REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF JANUARY 25, 2006** .....96

## ***City Council Action (Continued)***

### **CONSENT CALENDAR:**

#### **ITEMS 17-19**

**Time Estimate**  
**Consent Calendar: 1 - 10 Minutes**

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17. **ACCEPTANCE OF PEDESTRIAN CROSSING IMPROVEMENTS AT MONTEREY ROAD AND CENTRAL AVENUE** ..... 107  
**Recommended Action(s):**  
1. **Accept** as Complete the Pedestrian Crossing Improvements at Monterey Road and Central Avenue Project in the Final Amount of \$237,882; and  
2. **Direct** the City Clerk to File the Notice of Completion with the County Recorder's Office.

**Time Estimate**

**Consent Calendar: 1 - 10 Minutes**

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18. [\*\*ADOPT ORDINANCE NO. 1752, NEW SERIES\*\*](#) .....109  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1752, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH AN R-2 3,500/RESIDENTIAL PLANNED DEVELOPMENT ON A 2.65 ACRE SITE LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF WRIGHT AVENUE AND HALE AVENUE. (APNs 764-32-017 & 018).**
19. [\*\*ADOPT ORDINANCE NO. 1753, NEW SERIES\*\*](#) .....113  
**Recommended Action(s):** **Waive** the Reading, and **Adopt** Ordinance No. 1753, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT APPLICATION DA-05-07 FOR APPLICATION MP 04-27: Wright Avenue - Dividend (APN 764-32-017 & 018).**

## ***City Council Action***

**PUBLIC HEARINGS:**

**Time Estimate**

**Page**

20. **5 Minutes** [\*\*DEVELOPMENT AGREEMENT AMENDMENT, DAA-03-11: SAN PEDRO-DICONZA\*\*](#) .....116  
Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
Council Discussion.  
Action- **Motion to Waive** the Reading in Full of Development Agreement Amendment Ordinance.  
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)
21. **5 Minutes** [\*\*ZONING AMENDMENT, ZAA-98-01: EAST DUNNE-SHAW\*\*](#) .....121  
Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
Council Discussion.  
Action- **Motion to Waive** the Reading in Full of Zoning Amendment Ordinance.  
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)
22. **10 Minutes** [\*\*ZONING AMENDMENT, ZA-05-13/ DEVELOPMENT AGREEMENT DA-05-12: SAN PEDRO-AHMADI\*\*](#) .....126  
Public Hearing Opened.  
Please Limit Your Remarks to 3 Minutes. Public Hearing Closed  
Council Discussion.  
Action- **Motion to Waive** the Reading in Full of Zoning Amendment Ordinance.  
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)  
Action- **Motion to Waive** the Reading in Full of Development Agreement Ordinance.  
Action- **Motion to Introduce** Ordinance by Title Only. (Roll Call Vote)

**PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA**

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE:** *February 15, 2006*

### **INDOOR RECREATION CENTER PROJECT – JANUARY CONSTRUCTION PROGRESS REPORT**

**RECOMMENDED ACTION(S):** *Information Only*

#### **EXECUTIVE SUMMARY:**

Previous Council action awarded the contract for construction of the Indoor Recreation Center Project to West Coast Contractors, Inc. At that time, staff informed Council that we would report monthly on the progress of the construction. Attached is the progress report for the month of January. This report has been sent to our webmaster for posting on the City's website. Current construction activity can be viewed live on the internet at [www.novapartners.com/mhirc](http://www.novapartners.com/mhirc).

The masonry subcontractor completed the block wall installation at the natatorium and has finished the site wall construction. They are currently finishing the last remaining block wall construction in the pool mechanical area. The leaning steel brace frame in front of the natatorium has been erected. The contractors continue working towards "drying in" the building. Barring any unforeseen circumstances, the anticipated Grand Opening is September 5, 2006. The project is currently on schedule and within budget.

**FISCAL/RESOURCE IMPACT:** None

**Agenda Item # 1**

**Prepared By:**

**Sr. Project Manager**

**Approved By:**

**Public Works Director**

**Submitted By:**

**City Manager**





## ***CITY COUNCIL STAFF REPORT***

***MEETING DATE: February 15, 2006***

### **APPROVAL OF SECOND AMENDMENT TO SAN PEDRO PONDS JOINT USE AGREEMENT**

**RECOMMENDED ACTION(S):** Approve the second amendment to the Joint Use Agreement with the Santa Clara Valley Water District subject to City Attorney and City Manager approval.

**Agenda Item # 2**

**Prepared By:**

**Deputy Director Public  
Works Operations**

**Approved By:**

**Public Works Director**

**Submitted By:**

**City Manager**

**EXECUTIVE SUMMARY:** On February 16, 2005 the City Council approved the first amendment to the San Pedro Ponds Joint Use Agreement with the Santa Clara Valley Water District. This first amendment to the JUA was necessary to create wording to satisfy a mutual consent termination requirement associated with a State Department of Recreation Proposition 12 Grant. The Proposition 12 Grant funded the project originally completed and accepted in February of 2004.

Last fall the San Pedro Ponds Volunteers (a private citizen's group that assists with Maintenance of the project) developed a Master Plan to identify the placement of landscaping and benches. The SCVWD has met with the volunteers and are prepared to recommend to the SCVWD Board that the Master Plan be approved. However, the Master Plan calls for benches to be placed within the existing trail areas, but the landscaping improvements are to be placed outside the existing trails. Improvements outside the existing trails were not a part of the original or amended Joint Use Agreements. For this reason the SCVWD is requiring a second amendment to the JUA as a condition of sending the Master Plan to its Board for approval.

The revised JUA is still pending City Attorney review. A revised environmental review has been conducted by the Planning Department and resulted in a Notice of Exemption.

**FISCAL/RESOURCE IMPACT:** No fiscal impact, minimal staff administration impact.



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: February 15, 2006**

### **AGREEMENT BETWEEN CITY OF MORGAN HILL AND SANTA CLARA COUNTY FOR OBTAINING ORTHOPHOTO AERIAL PHOTOGRAPHS**

**RECOMMENDED ACTION:** Authorize the City Manager, subject to City Attorney review and approval, to execute an Agreement with the County of Santa Clara for obtaining orthophoto aerial photographs of the City of Morgan Hill at a cost of \$17,073.

**EXECUTIVE SUMMARY:** The City has an opportunity to acquire 2006 aerial photographs of the Morgan Hill area by partnering with the County of Santa Clara. The City's current set of aerial photographs is dated 2001. The photos, otherwise known as an orthophoto data set, are digital color aerials in a GIS mapping format that can be used in conjunction with the City's existing base map. The orthophoto data set will become a powerful planning tool for City staff due to the fact that it is linked to a recognized survey coordinate system, is of high resolution, and represents a more updated view of the City (2006 vs. 2001). The updated photos will provide a resolution of 3 inches per pixel.

The County of Santa Clara is teaming up with the cities of Palo Alto, Milpitas, Monte Sereno, Los Altos, Cupertino, Sunnyvale, Mountain View, Morgan Hill, Saratoga, San Jose, and Campbell, as well as the Santa Clara Valley Water District and Leland Stanford University to share the costs of the effort. Under the terms of the proposed Agreement, the County will be responsible of administering the photo taking process, contracting with a certified photogrammetric vendor, and for providing the City with a photo set that is "clear and sharp in detail with no light streaks, static marks, scratches, dust marks, or other noticeable blemishes". Upon receiving the orthophoto data set, the City of Morgan Hill will be allowed to use, copy, transmit, distribute, and otherwise reproduce the photos for any purpose directly or indirectly related to its own internal business uses and needs

The City's share of the aerial photo project is a one-time cost of \$17, 073 which includes the cost of the photos, administrative costs, quality assurance and quality control, and delivery of data. This compares with the City's cost of \$37,568 to purchase 2001 aerial photos in 2004. There will be no on-going charges to use the photos.

**FISCAL/RESOURCE IMPACT:** Funding is available in the current year budget from the following accounts:

317-42231-7000	\$ 6,830
206-42231-5410	<u>\$10,243</u>
<b>TOTAL</b>	<b>\$17,073</b>

**Agenda Item # 3**

**Prepared By:**

**Deputy Director PW**

**Approved By:**

**Department Director**

**Submitted By:**

**City Manager**



## ***CITY COUNCIL STAFF REPORT***

***MEETING DATE: February 15, 2006***

### **CONSULTING AGREEMENT FOR SUB-REGIONAL FIRE SERVICE STUDY**

#### **RECOMMENDED ACTION:**

**Authorize** City Manager to execute contract with Citygate Associates for the purpose of conducting a study on sub-regional fire service.

**Agenda Item # 4**

**Prepared By:**

**Asst. to the City  
Manager**

**Submitted By:**

**City Manager**

#### **EXECUTIVE SUMMARY:**

One of the Council's goals for 2005 was to include funding in the FY 06 budget for a feasibility study and recommendations for transitioning to a coordinated and integrated system of fire and emergency medical services for South County. The FY 06 budget included this funding, and beginning last summer, City staff met with representatives from the City of Gilroy and the South Santa Clara County Fire District to discuss support and timing for such a study. Both agencies have agreed to participate in the study and are now ready to proceed. A scope of work has been developed and agreed upon by all parties, and a consulting firm, Citygate Associates, has been selected.

Citygate Associates' entire proposal is attached for your review. In short, the study will review existing arrangements for fire and emergency medical service in the cities of Morgan Hill and Gilroy and the unincorporated area between the two cities, and evaluate opportunities for increased coordination, improved service, and enhanced cost control. Specifically, the study will examine different organizational and management structure options; evaluate options for change in dispatch services; assess fire station staffing and coverage levels in the three agencies; consider funding options for new revenue; and review key financial issues associated with the most viable organizational option(s), including insurance, pay, benefits, unfunded benefit liabilities, and retirement programs.

It will incorporate Morgan Hill's existing Fire Master Plan, as well as Gilroy's Fire Master Plan, a Standards of Response Cover study completed for the South Santa Clara Fire District, and LAFCO's recent evaluation of fire services.

Study findings will be available in time for the Council's May 19, 2006 workshop.

#### **FISCAL/RESOURCE IMPACT:**

Management of this project was included in the 2005/06 workplan. The project cost will be approximately \$46,000. A portion of the costs will be borne by the City's partners in the study, the City of Gilroy and the South Santa Clara County Fire District. The precise cost distribution is currently under negotiation.

# CITYGATE ASSOCIATES, LLC

■ FOLSOM (SACRAMENTO), CA

MANAGEMENT CONSULTANTS ■



## ■ REVISED PROPOSAL TO ■ CONDUCT A SUB-REGIONAL FIRE DEPARTMENT RE- ORGANIZATION FEASIBILITY STUDY FOR THE

## **SOUTH SANTA CLARA COUNTY AREA FIRE DEPARTMENTS**

FEBRUARY 9, 2006



■ 705 Gold Lake Drive, Suite 100 ■ Folsom, CA 95630  
(916) 355-1385 or (800) 275-2764 ■ Fax: (916) 355-1390



CITYGATE ASSOCIATES, LLC  
FIRE & EMERGENCY SERVICES



705 Gold Lake Drive, Suite 100 ■ Folsom, CA 95630 ■ PH 916-355-1385 ■ FAX 916-355-1390

February 9, 2006

J. Edward Tewes  
City Manager  
City of Morgan Hill  
Morgan Hill, CA 95037

**RE: REVISED PROPOSAL TO CONDUCT A SUB-REGIONAL FIRE DEPARTMENT RE-ORGANIZATION FEASIBILITY STUDY FOR THE SOUTH SANTA CLARA COUNTY AREA FIRE DEPARTMENTS**

Dear Mr. Tewes:

Citygate Associates, LLC is pleased to present this revised proposal to conduct a high level assessment of the feasibility of fire agency re-alignment or consolidation for these agencies: Morgan Hill, as served under contract by the Santa Clara County Fire Department; the City of Gilroy, as served by its Fire Department; and the South Santa Clara County Fire District, served by the California Department of Forestry and Fire Protection. We believe you will find our firm's experience in fire services and general municipal operations to be particularly compelling. Our proposal is organized as follows:

- Overview of the Area's Fire Services Need;
- Project Scope and Objective;
- Work Plan;
- Project Team;
- Project Schedule and Fees.

We have also included as attachments resumes for each of the key consultants on the project team and a summary of related past projects.

***OVERVIEW OF THE SOUTH COUNTY FIRE SERVICES NEED***

The partners desire assistance with the development of a high level assessment including the feasibility of fire agency service area re-alignments, partial or full consolidation with options for the above named agencies, and other opportunities to improve service and reduce cost through interagency cooperation. This study will assist the partners with planning for the needs of the communities they serve. We understand the partners desire an independent review of the current fire department service relationships to determine if a service area re-alignment or a functional or full consolidation of one or more departments would provide cost stabilization while maintaining effective services. The study will use geo-mapping and response statistical tools to briefly

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review fire station service areas, response time performance, conduct an assessment of current expenses and an examination of governance options.

### **PROJECT SCOPE AND STUDY COMPONENTS**

The scope of the project includes the aforementioned review of the current arrangement for fire protection services in the shared project area, and also includes the following elements:

#### **Issues**

- Organizational/management structure options for merging eight (8) fire stations and up to three jurisdictions - two cities and one fire protection district--into more than one re-aligned agency, into a new, consolidated single fire agency, or into some other form of functional cooperation while retaining each agency's governance independence.
- In particular, Morgan Hill will be presented with options given its current contract for service arrangement.
- Options for governance or consultative structure among three agencies, depending upon the degree of merger or cooperation.
- A description of the present Emergency Dispatch system for fire and assessment of whether options for change in that arrangement might improve the quality of service and/or enhance cost control. There are currently three different 9-1-1 primary Public Safety Answering Points (PSAPS) involved and three fire dispatch centers.
- A description, including maps, of the fire station staffing and coverage levels in the three agencies. This is not a complete "Standards of Coverage Study". However, the stations that should be re-aligned, if any, in addition to the stations the combined area would need at General Plan build out projection will be assessed using mapping and an analysis of response time, call volumes and patterns.
- Funding options for new revenue and suggested alternative formulas on how to manage the cost share items.
- Recommendations on how to provide 24/7 Chief Officer Coverage for emergencies and administrative matters, including jurisdictional meeting attendance.
- Recommendation regarding the numbers of personnel at each rank to provide the suggested service levels (fire station, prevention, training, administrative support, chief officers, etc.).
- A general, high level assessment of Administrative support necessary for the various viable governance/organizational rearrangement options.
- A general, high level review of issues and options arising from the need to accommodate joint training in each of the organizational options.
- Financial Issues: A review of key financial issues associated with the most viable organizational option(s), including insurance, pay, benefits, unfunded benefit liabilities, and retirement programs.

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## Methodology

In addressing the above issues, Citygate will do the following:

### Phase I:

Build on the full Standards of Response Cover study completed last year by Citygate Associates for the South Santa Clara Fire District, Morgan Hill's Fire Master Plan, Gilroy's Fire Master Plan, and LAFCO's recent evaluation of fire services.

- Use a fire department analysis geo-mapping software program to utilize information from prior studies, update the data in those studies and analyze current fire station locations by driving time for areas not covered in prior studies.
- Use an incident response time analysis program to review department incident statistics of prior historical performance. We will combine this data to paint a three-department picture of simultaneous call for service demand.
- A draft set of fire crew performance goals will be generated consistent with national guidelines from the National Fire Protection Association (NFPA), the Commission on Fire Accreditation International (CFAI) and the Insurance Services Office (ISO).
- These performance goals will be used to determine the number and location of fire crews in the study area.
- Review the overhead structures and costs for the departments in the study.
- Based on a high level overhead cost assessment, identify a conceptual overhead structure if two or more departments were to be combined.
- Identify and present a high level assessment of fire apparatus replacement status and funding.
- Conduct and present a high level assessment of pending and needed capital improvement needs at the level to identify if stations need replacement or significant remodeling.
- Conduct and present a brief assessment of issues in governance and revenue structures and how they could assist or impede a partial or full consolidation effort.
- This assessment of issues review will conclude with a recommendation of what type of functional or full service area re-alignments or consolidation could make sense from the initial assessment study.

### Phase II:

If one or more of the agencies decide to proceed with an option for merger or realignment, Citygate could propose a draft plan of what would have to occur in an implementation study if the appropriate elected officials decided to pursue some type of functional or full consolidation.

Further refinement of the implementation plan, additional stakeholder meetings and or actual facilitation of an approved implementation plan would be an agreed to second scope of work.

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## **WORK PLAN**

Citygate will approach the project from two perspectives. First, the methodology for the determination of fire station locations and crew sizing used by Citygate in the scope of its work will be that of the “Standards of Response Coverage” systems approach to fire department deployment as published by the Commission on Fire Accreditation International. This is a systems-based approach using local risk and demographics to determine the level of protection best fitting the study area’s needs. We will not use any one standardized or “one-size-fits-all” approach.

Second, using the experience of the Citygate team with prior fire department consolidations, governance, finance and LAFCO issues, we will look at the structural, fiscal and governance elements of a service area re-alignment, functional or full consolidation.

Citygate presents its Work Plan as five tasks:

### **Task 1: Initiate and Manage the Project**

We will begin Task 1 by conducting a site meeting to explain the essential elements of the study to the leadership team and to collect information about the departments and communities. During this visit, we will ask for the appropriate data per agency in the study area, tour the area to obtain on-site observations and brief the study team on the start-up questionnaire and information needs of the Citygate team.

Our initial task also combines the activities of starting the project and the ongoing task of monitoring, controlling, and administering the project. Project reporting will include frequent telephone updates and monthly written status reports.

### **Task 2: Collect Workload Data and City GIS Information**

The objectives in Task 2 are to:

- Collect the requested background information from each department in the study.
- Conduct follow-up interviews with appropriate stakeholders.
- Obtain the necessary fiscal and personnel information.
- Insert GIS data layers, risk type information, travel time performance measure(s) and calls-for-service data into the *FireView<sup>TM</sup>* Fire Department geo-mapping program.
- Obtain an incident data export for our statistician to model workload performance using the NFIRS 5 Alive program.
- Evaluate incident data by existing station locations.
- Review the existing agency expense, revenue and governance structures.



### Task 3: Analysis

The objectives in Task 3 off-site are to:

- Perform initial travel time studies on fire crew locations.
- Complete the GIS mapping and statistical assessment of the current and any proposed deployment plan(s).
- Undertake a comprehensive evaluation of the overhead, cost and governance issues affecting fire department consolidation(s) in the study area.

### Task 4: Prepare and Deliver Draft Report

The objectives in Task 4 off-site are to:

- Prepare a Draft Report and supporting exhibits.
- Send the Draft Report and exhibits to the Morgan Hill City Manager via electronic copy for comment.
- Conduct a site meeting to answer questions and receive verbal feedback.
- Receive written feedback from the Morgan Hill City Manager using electronic editing in MS-Word.

### Task 5: Present the Final Report

After the Draft Report presentation, we will include the appropriate feedback and prepare a Final Report. We then will schedule a mutually agreeable time to present in-person the Final Report and its exhibits and to summarize the report's findings verbally in a leadership meeting of the affected agencies' choosing.

#### **STUDY COMPONENTS WITH WHICH THE DEPARTMENTS STUDIED MUST ASSIST**

Both Citygate and the partners understand the economic constraints on a study. The partners have the capability to collect some internal data that can assist the Citygate study where the Partners are in the best position to prepare data elements. Therefore, the partners will assist Citygate with:

- Collecting and sending relevant GIS data from partner sources to Citygate.
- Providing electronic incident response data in a format requested by Citygate.
- Providing other background agency data as requested by Citygate.

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## Notes:

If the involved agencies cannot provide sufficiently detailed GIS data for Citygate's use, then a GIS data set will have to be purchased from a public data provider at an additional cost to the study of approximately \$1,500. We normally work out changes in the Draft Report via electronic editing between Citygate staff and the Project Coordinator. The Final Report is sent as a bound, hard copy and also on CD-ROM for agency reproduction.

## **PROJECT TEAM**

Citygate Associates staffs its consulting projects with senior consultants who have extensive practitioner experience. For the proposed project, we have assembled a team that includes three senior consultants, along with fiscal, geo-mapping and statistical analysis support. Below, we list each consultant by name and the role each will fulfill in the execution of this project. Full resumes for the principal consultants are attached to this proposal.

**Mr. David C. DeRoos, MPA, CMC, President of Citygate Associates**, has over 20 years experience as a consultant to local government, preceded by 5 years as an assistant to the City Administrator. *He is responsible for ensuring the project is conducted smoothly and efficiently within the schedule and budget allocated, and that project deliverables meet Citygate's quality standards.*

**Dwane N. Milnes, DPA, General Government Principal, and Project Director**. Mr. Milnes has extensive experience in municipal management having served as City Manager or Assistant City Manager for 24 years. He retired as the City Manager of Stockton, CA. He earned a doctorate in Public Administration from the University of Southern California. Mr. Milnes is a member of the International City Management Association and the American Society for Public Administration. *From his operational perspective as a recent city manager, Mr. Milnes will help conduct stakeholder interviews, review fiscal data and perform the fiscal and policy analysis.*

**Chief Stewart W. Gary, Fire Practice Principal & Project Manager**, is the current Fire Chief of the Livermore-Pleasanton Fire Department in Alameda County, California. In 1996, he successfully designed and led the implementation of the Livermore-Pleasanton fire department consolidation, which won a California League of Cities Helen Putnam award. For the past nine years, he also has been the lead instructor and program content developer for the Standards of Coverage process. He annually teaches a 40-hour course on this systems approach for fire deployment at the California Fire Academy teaches and consults across the United States and Canada on the Standards of Response Coverage process. He has worked with a variety of communities on deployment studies. *He will also conduct stakeholder interviews, direct and evaluate the fire deployment analysis and draft the organizational options and deployment chapters of the report.*

**Michael J. Price, GIS Specialist**, is a Consulting Geologist and a Natural Resources and Public Safety/Emergency Management GIS Specialist with well over 20 years experience in the field as both a practitioner and educator. *Mr. Price will serve as the GIS specialist for this project.*

**Michael D. Fay, Statistical Specialist**, has over 30 years experience and has served as a firefighter, EMS director, educator, consultant and publisher. As President of Animated Data, Inc., he is the designer and publisher of NFIRS 5 Alive. Using standard CFIRS, NFIRS 4 & NFIRS 5 datasets, NFIRS 5 Alive quickly performs diagnostic analysis of fire department

operations. *For this project, Mr. Fay will provide statistical analysis of prior incident response times.*

Citygate's consultants adhere to the Code of Ethics found in **Attachment 1**.

### **PROJECT SCHEDULE AND FEES**

The tasks of Citygate's proposal involve a definitive scope and deliverables, and are therefore budgeted on a time and materials basis.

We are available to initiate this project upon approval of our proposal by the partners. We would be available to start the project in early to mid-February 2006. Given this schedule, we would plan to deliver a Draft Report by mid-May with the Final Report and presentation in early June. Given this schedule, Morgan Hill will know the Draft Report findings in time for its City Council strategic planning meeting on May 19<sup>th</sup>.

Our charges are based on actual time spent by our consultants at their established billing rates, plus reimbursable expenses incurred in conjunction with travel, printing, clerical, and support services related to the engagement. For this study, we are estimating a "not-to-exceed" total cost based on our core Work Plan and scope of work.

<b>Hourly Fees of Project Team</b>	<b>Reimbursable Expenses</b>	<b>Administration (3% of Hourly Fees)</b>	<b>Total Project Amount</b>
\$44,142 (239 hours)	\$488	\$1,324	<b><u>\$45,954.00</u></b>

The price quoted above is effective for 60 days and includes one (1) draft cycle as described in Task 4 of our Work Plan. Up to five (5) copies of the Draft Report and a reproducible master will be delivered to the Morgan Hill City Manager. The Morgan Hill City Manager will have two (2) weeks after receipt of these copies to review and suggest changes for the Final Report. When changes are agreed upon, Citygate will provide up to five (5) bound color copies of the Final Report document and a reproducible master copy on CD-ROM. The Draft Report will be considered to be the Final Report if there are no suggested changes within thirty (30) days of the delivery of the Draft Report copies.

It is our policy to bill monthly for professional fees, which will include a three percent (3%) administration fee in lieu of individual charges for copies, phone, etc. Our invoices are payable within thirty (30) days. Citygate's billing terms are net thirty (30) days plus two percent (2%) for day thirty-one (31) and two percent (2%) per month thereafter.

We request that ten percent (10%) of the project cost be advanced at the initiation of the study, to be used to offset our start-up costs. This advance would be credited to our last invoice.

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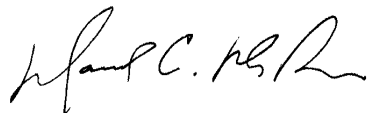
### **Hourly Rates of Project Team Members**

<b>Consultant</b>	<b>Hourly Rate</b>
David C. DeRoos, MPA, CMC	\$195
Stewart W. Gary, MPA	\$212
Dwane N. Milnes, DPA	\$250
Michael J. Price (GIS)	\$160
Michael D. Fay (Statistics)	\$150
Administration (Various)	\$65

\* \* \*

I appreciate the opportunity to present this proposal. Given the tight time constraints in generating this proposal, we have tried to address the partners' needs, while not knowing exactly what information they may have already developed. Please feel free to call me at (916) 355-1385 extension 101 should you have any questions concerning this letter.

Sincerely,



David C. DeRoos, MPA, CMC  
President

cc: Stewart Gary  
Dwane Milnes

Attachments

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## **ATTACHMENT 1**

# **CODE OF ETHICS**

# CODE OF ETHICS

## ***CLIENTS***

1. We will serve our clients with integrity, competence, and objectivity.
2. We will keep client information and records of client engagements confidential and will use proprietary client information only with the client's permission.
3. We will not take advantage of confidential client information for ourselves or our firms.
4. We will not allow conflicts of interest which provide a competitive advantage to one client through our use of confidential information from another client who is a direct competitor without that competitor's permission.

## ***ENGAGEMENTS***

5. We will accept only engagements for which we are qualified by our experience and competence.
6. We will assign staff to client engagements in accord with their experience, knowledge, and expertise.
7. We will immediately acknowledge any influences on our objectivity to our clients and will offer to withdraw from a consulting engagement when our objectivity or integrity may be impaired.

## ***FEES***

8. We will agree independently and in advance on the basis for our fees and expenses and will charge fees and expenses that are reasonable, legitimate, and commensurate with the services we deliver and the responsibility we accept.
9. We will disclose to our clients in advance any fees or commissions that we will receive for equipment, supplies or services we recommend to our clients.

## ***PROFESSION***

10. We will respect the intellectual property rights of our clients, other consulting firms, and sole practitioners and will not use proprietary information or methodologies without permission.
11. We will not advertise our services in a deceptive manner and will not misrepresent the consulting profession, consulting firms, or sole practitioners.
12. We will report violations of this Code of Ethics.

The Council of Consulting Organizations, Inc. Board of Directors approved this Code of Ethics on January 8, 1991. The Institute of Management Consultants (IMC) is a division of the Council of Consulting Organizations, Inc.

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## **ATTACHMENT 2**

# **QUALIFICATIONS AND REFERENCES**

## QUALIFICATIONS AND REFERENCES

### A. COMPARABLE REFERENCES

This section gives an overview of the firm’s comparable engagements, experience, and references. We present projects performed by the Citygate Associates members of our project team that require similar skills to the ones necessary to successfully complete South Santa Clara County’s contemplated study. For a more detailed list of Citygate Associate’s Fire Services Practice projects, please visit Citygate’s website at [www.citygateassociates.com](http://www.citygateassociates.com) and then select “Fire Protection and Emergency Medical Services Consulting.”

### B. CONSOLIDATION STUDIES

Below Citygate presents a brief list of Consolidation Studies performed.

CLIENT	NATURE OF ENGAGEMENT	TIMEFRAME, CONTACT, PHONE NO.
City of Pismo Beach and Surrounding Communities  Consolidation Feasibility Study	Citygate recently concluded conducting a high level assessment of the feasibility of fire agency consolidation for these agencies: Pismo Beach, Arroyo Grande, Grover Beach, and the Oceano Community Services District. The partners desired an independent review of the current fire department service relationships to determine if a functional or a full consolidation of one or more departments would provide cost stabilization while maintaining effective services. The study used geo-mapping tools to briefly review fire station service areas, conduct an assessment of current expenses and an examination of governance options.	November 2005  Mr. Kevin Rice City Manager  (805) 773-7007
Seaside and Marina Fire Services  Consolidation Study	Citygate recently concluded facilitating discussions to finalize a list of the most critical fire service consolidation implementation issues, including what will be merged, in what order and schedule. We also assisted Seaside and Marina in reaching agreement on the issues, including research and recommendations as requested by the agencies.	October 2005  Mr. Jerry Wombacher Fire Chief  (831) 899-6786
City of So. Lake Tahoe, CA  Fire Safe Plan  Consolidation Study	Citygate has conducted two engagements for the City of South Lake Tahoe: <ul style="list-style-type: none"><li>• Created a Community Fire Safe Plan addressing the urban/wildland interface for the City of South Lake Tahoe. This project was completed in July 2004.</li><li>• Conducted a fire department consolidation feasibility analysis for the City of South Lake Tahoe area and the surrounding South Basin area. This study was completed in November 2004.</li></ul>	July 2004 & November 2004  Mr. David Jinkens City Manager  (530) 542-6045



**C. FIRE STANDARDS OF COVERAGE AND DEPLOYMENT STUDIES**

<b>CLIENT</b>	<b>NATURE OF ENGAGEMENT</b>	<b>TIMEFRAME, CONTACT, PHONE NO.</b>
<p>Fire District of South Santa Clara, CA</p> <p>Standards of Response Cover Deployment Analysis</p>	<p>Developed a fire service deployment plan and performance goals known as a “Standards of Response Cover Plan,” which assisted the District with its planning for the needs of the area it serves. The study included an independent review of the current fire station sites and a number of fire companies with their staffing levels, as well as any station location change opportunities that may exist.</p>	<p>October 2005</p> <p>Mr. Derek Witmer Battalion Chief</p> <p>(408) 779-2121</p>
<p>City of Vista, CA</p> <p>Financial Review</p> <p>Standards of Response Cover Deployment Analysis</p> <p>Impact Fee Analysis</p>	<p>Recently concluded a multi-phased engagement for the City of Vista. Citygate began with reviewing Vista’s current financial condition, financial practices and strategies, staffing and organizational arrangements, and developing recommendations addressing principal areas of the Five Year Financial Plan.</p> <p>Vista then commissioned Citygate to perform a Standard of Coverage analysis for the Fire Department as an input to both operating and capital budget considerations.</p> <p>Citygate was then asked to assist Vista with updating a full range of fire and other development impact fees, which required revising a number of city planning, facility, and capital plans to support the establishment of the impact fees.</p>	<p>October 2005</p> <p>Mr. Gary Fisher Fire Chief</p> <p>(760) 726-1340 ex. 2101</p> <p>Ms. Rita Geldert, City Manager</p> <p>(760) 639-6131</p>
<p>City of Palm Springs, CA</p> <p>Standards of Response Cover Deployment Analysis</p>	<p>Citygate successfully performed a Standards of Response Cover Deployment Analysis. This study resulted in a two-volume Final Report that was completed in February 2005 and presented to the Council in March 2005.</p>	<p>February 2005</p> <p>Mr. Blake Goetz Fire Chief</p> <p>(760) 323-8185</p>
<p>North Lake Tahoe Fire Protection District (NV)</p> <p>Standards of Response Cover Deployment Analysis</p> <p>Facilitation for Management Team Workshop</p>	<p>Citygate successfully performed a Standards of Response Cover Deployment Analysis for the North Lake Tahoe Fire Protection District. This study resulted in a two-volume Final Report that was completed in March 2005.</p> <p>Separately, Citygate conducted a Management Team Workshop for the Fire District.</p>	<p>March 2005</p> <p>Mr. Jim Linardos Fire Chief</p> <p>(775) 833-8101</p>

CLIENT	NATURE OF ENGAGEMENT	TIMEFRAME, CONTACT, PHONE NO.
<p>City of West Sacramento, CA</p> <p>Development of an “Abbreviated” Deployment Analysis to Determine Fire Station Coverage</p> <p>Impact Fee Analysis</p>	<p>Citygate recently concluded a review of the current arrangement for fire protection services within the City, including review of existing city fire department performance expectations; examination of prior incident response demographic data as available; technical support to document findings of the immediate study area; and the use of fire department geo-mapping software to analyze fire station locations by driving time.</p> <p>The study resulted in a written report that was delivered to the Fire Chief. It contains map-based exhibits justifying any changes to fire service deployment created by the proposed <i>city growth</i>. All methodology used by Citygate in the scope of its work was that of the “Standards of Response Coverage” systems approach to fire department deployment. This is a systems based approach using local risk and demographics to determine the level of protection best fitting West Sacramento’s needs.</p> <p>At the conclusion of this fire project, the City requested that Citygate provide follow-on assistance to quantify the impact of future development and calculate impact fees necessary to provide for:</p> <ul style="list-style-type: none"> <li>• Fire Protection</li> <li>• Police Services</li> <li>• Other Facilities and Infrastructure.</li> </ul>	<p>June 2005</p> <p>Mr. Frederick F. Postel Fire Chief (916) 373-5840</p> <p>Mr. Leigh P. Keicher Director of Finance (916) 617-4575</p>
<p>South San Mateo County Fire Jurisdictions</p> <p>Standards of Response Cover Deployment Analysis</p>	<p>After the Menlo Park Fire Protection District selected Citygate to perform the work, and in conjunction with Menlo Park, the scope of the project was expanded to include a number of additional fire service jurisdictions in the southern part of San Mateo County.</p>	<p>October 2004</p> <p>Mr. Gerald Kohlmann Fire Chief (650) 780-7451</p>
<p>Menlo Park Fire Protection District</p> <p>Standards of Response Cover Deployment Analysis</p>	<p>Citygate assisted the District in the development of a Standards of Response Cover Plan. This study assisted the District with its planning for the needs of the communities it serves. The study resulted in an independent review of the current fire station sites and number of fire companies, as well as any station location change opportunities that may exist given the repair needs of the older, undersized facilities. The study used geo-mapping tools and prior response statistics to validate travel time spacing of all possible fire station sites.</p>	<p>July 2004</p> <p>Mr. Doug Sporleder Fire Chief (650) 688-8406</p>
<p>City of Alameda, CA</p> <p>Review of Overtime Expense</p> <p>Abbreviated Deployment Analysis</p>	<p>Citygate conducted two separate studies for Alameda:</p> <ul style="list-style-type: none"> <li>• A review and analysis of Fire Department overtime expenses</li> <li>• The development of an “abbreviated” deployment analysis to determine fire station coverage and to provide on-going support toward the Fire Department’s creation of a full deployment plan</li> </ul>	<p>July 2004</p> <p>Mr. Jim Christiansen Fire Chief (510) 337-2102</p>

CLIENT	NATURE OF ENGAGEMENT	TIMEFRAME, CONTACT, PHONE NO.
<p>City of Minneapolis, MN</p> <p>Fire Station Location and Crew Staffing Needs</p>	<p>Citygate conducted a review of the current arrangement for fire protection services within the City of Minneapolis, including:</p> <ul style="list-style-type: none"> <li>• Review of existing City Fire Department performance expectations;</li> <li>• Use of the Standards of Response Coverage Model from the Commission on Fire Accreditation International to determine impacts generated by the community;</li> <li>• Examination of prior incident response demographic data;</li> <li>• Technical support to document findings;</li> <li>• Assistance with the purchase and implementation of the <i>FireView</i><sup>TM</sup> deployment analysis software program;</li> <li>• Coaching and advising Fire Department staff in deployment analysis.</li> </ul> <p>The culmination of the study effort was a written report with statistical and map-based exhibit(s) justifying fire services deployment based on the risks and community expectations in Minneapolis.</p>	<p>January 2004</p> <p>Mr. Ulie Seal Assistant Fire Chief</p> <p>(612) 673-2536</p>
<p>City of Cleveland, OH</p> <p>Deployment and Staffing Plan Review</p>	<p>Citygate was requested by the legal department of the City of Cleveland to perform an abbreviated review of the proposed re-deployment plan developed for the Cleveland Fire Department. The review culminated in a report, which determined, in Citygate's professional opinion, the extent to which fire protection service levels would be affected by the proposed re-deployment and staffing plan.</p>	<p>December 2003</p> <p>William A. Sweeney, Assistant Director of Law</p> <p>(216) 664-2853</p>
<p>City of Yuba City, CA</p> <p>Standard of Cover Study</p> <p>Transition Assistance from the Walton Fire Protection District to the City of Yuba City Fire Department</p>	<p>Citygate Associates assisted the City of Yuba City, CA, the adjacent Walton Fire Protection District, and Sutter County in the planning and implementation of a successful transitioning of the Walton Fire Protection District into the Yuba City Fire Department. The purpose of Citygate's involvement in the consolidation process was to provide oversight and reassurance of the methods employed by the participants in this consolidation effort, and to provide a solid plan for the transition.</p> <p>As a part of this effort, Citygate performed a Standards of Cover review for the City, and provided a report and detailed maps describing our findings. The Standards of Cover analysis was performed to ensure that no areas would receive a lower level of service after the consolidation was implemented than they had before.</p>	<p>April 2001</p> <p>Mr. Jeffrey Foltz City Manager</p> <p>(530) 822-4601</p> <p>Mr. Marc Boomgaarden Fire Chief</p> <p>(530) 822-4690</p>

CLIENT	NATURE OF ENGAGEMENT	TIMEFRAME, CONTACT, PHONE NO.
<p>City of Monterey Park, CA</p> <p>Limited Standards of Coverage Study to Determine the Location for One Fire Station</p>	<p>Citygate performed a limited deployment analysis to determine the most suitable response location for replacing an aging fire station. Possibilities included the existing site or a more suitable site, because traffic circulation elements and fire department workload demographics have changed in the intervening years since the old station was built. This limited scope project included a review of the current arrangement for fire protection services within the City of Monterey Park, including:</p> <ul style="list-style-type: none"> <li>• Review of existing city fire department performance expectations;</li> <li>• Use of the Standards of Response Coverage Model from the Commission on Fire Accreditation International to determine one station location;</li> <li>• Examination of prior incident response demographic data;</li> <li>• Technical support to document findings and to train fire department staff in on-going deployment analysis.</li> </ul> <p>The culmination of this effort was a brief written report with a map-based exhibit justifying the “best fit” fire station location for the one station under consideration.</p>	<p>October 2002</p> <p>Mr. Tim Murphy Fire Chief</p> <p>(626) 307-1262 (626) 573-1381 FAX</p>
<p>City of Vacaville, CA</p> <p>Deployment and Coverage Analysis of Existing and Annexation Areas</p>	<p>Along with a review of the current arrangement for fire protection services within the City of Vacaville, this study also included: 1) review of existing City Fire Department performance expectations; 2) use of the Standards of Response Coverage Model from the Commission on Fire Accreditation International to determine impacts generated by the proposed annexations; 3) examination of prior incident response demographic data; 4) a technical report to document findings; and 5) training and advising Fire Department staff in on-going deployment analysis.</p> <p>The Standards of Response Coverage Methodology was used to create a comprehensive study of the Department’s existing deployment and impacts created by proposed City growth. During this process, the Department learned to carry forward the study methodology with Citygate providing coaching, facilitation and technical GIS support. FireView™ and RHAVE were used to support this analysis. The final Citygate report created a long-range deployment plan that was adopted by the Fire Chief and City Council.</p>	<p>August 2003</p> <p>Mr. Joel Brick Division Chief</p> <p>(707) 449-5463 (707) 449-5483 FAX</p>

<b>CLIENT</b>	<b>NATURE OF ENGAGEMENT</b>	<b>TIMEFRAME, CONTACT, PHONE NO.</b>
City of Fremont, CA  Fire Department Support:	<p>Citygate provided on-going technical support to the City of Fremont Fire Department in two areas:</p> <ul style="list-style-type: none"> <li>• Assistance with information gathering and analysis in support of an upcoming bond issue for increasing fire service protection within the City</li> <li>• Technical support to the Fire Department in developing in-house deployment expertise.</li> </ul>	<p>May 2003</p> <p>Chief William (Willie) McDonald (formerly)</p> <p>Currently Fire Chief, Scottsdale, AZ</p> <p>(480) 312-1880</p>
City of Folsom, CA  Standards of Response Cover Deployment Analysis	<p>Citygate is currently furnishing the City of Folsom Fire Department with a Standards of Response Cover Deployment Analysis. This study includes in its review the neighboring City of El Dorado Hills.</p>	<p><i>Engagement in Progress</i></p> <p>Chief Eric Dutton</p> <p>(916) 984-2280</p>
City of Costa Mesa, CA  Fire Station Location and Resource Deployment Study	<p>Citygate completed a two-part study for the City of Costa Mesa. The first part provided the Costa Mesa Fire Department (CMFD) with a report that detailed current fire station location effectiveness, analyzed the efficiency of the current deployment of Fire Department resources within those fire stations, and determined the adequacy of types and number of resources (apparatus and personnel) to meet the service demands within the City.</p> <p>The second part of the study made recommendations to address deficiencies identified in the analysis. In addition, Citygate provided a plan for fire station locations and Fire Department resource deployment, both to meet current needs and to meet demands created by future anticipated growth in the community.</p>	<p>February 2003</p> <p>Jim Ellis Fire Chief, Costa Mesa Fire Department</p> <p>(714) 754-5106 (714) 327-7408 FAX</p>
City of Seaside, CA  Selection of a Best Fit Location for an Additional Fire Station	<p>Citygate reviewed the existing city fire department fire protection services and performance expectations, including: use of the Standards of Response Coverage Model from the Commission on Fire Accreditation International to determine travel time impacts on existing fire station locations generated by proposed development; examination of prior incident response demographic data; and technical support to document findings of the immediate study area.</p> <p>The culmination of the initial study effort was a brief written report with map-based exhibits proposing an additional fire station location.</p>	<p>June 2003</p> <p>Mr. Jerry Wombacher Fire Chief</p> <p>(831)-899-6790 (831) 899-6261 FAX</p>

**D. MASTER / STRATEGIC PLANS**

Citygate presents below a list of Master / Strategic Plans we have conducted.

<b>CLIENT</b>	<b>NATURE OF ENGAGEMENT</b>	<b>TIMEFRAME, CONTACT, PHONE NO.</b>
City of DuPont, WA  Staffing and Response Effectiveness Study and Fire Master Plan	Citygate recently furnished the City of DuPont a staffing and response effectiveness study and Fire Master Plan. The study provided the groundwork for the establishment of realistic and achievable goals for fire service “all risk” delivery, identified and defined current service levels, and helped determine the most efficient and effective methods of meeting changing service demands. The study required an analysis of current and future fire protection, and emergency medical and rescue service demands for the City of DuPont. The study resulted in the development of a Master Plan, which provided an overview of potential strategies to determine standards of coverage. It assisted in the development of goals and objectives that define fire protection and emergency medical service standards tailored to the unique needs and desires of the City of DuPont.	November 2005  Chief Christopher Jensen Fire Chief  (253) 253-6025
Salida Fire Protection District  Master/Strategic Plan for Fire Service	Citygate is currently developing a Fire Services Master Plan for the Salida Fire Protection District, which provides fire and life safety services to approximately 43 square miles of both rural and urban areas within Stanislaus County, CA. The Department, consisting of both paid and volunteer employees, currently staffs two fire stations with another planned within the next year. During the next 5-10 years, the community will be faced with several proposals for large developments encompassing 3,000 acres and including 1,500 new homes and 20 million square feet of additional business park. As a result, the Board of Directors has acknowledged the importance to develop and follow such a fire service plan to address the growing challenges in meeting fire and life safety needs.	December 2004  Chief Dale Skiles Salida Fire Protection District

CLIENT	NATURE OF ENGAGEMENT	TIMEFRAME, CONTACT, PHONE NO.
<p>Fresno County, CA</p> <p>Countywide Strategic Fire Protection Study</p>	<p>Citygate completed a countywide fire protection study, which included the development and administration of a countywide agency survey questionnaire, for this large CA central valley county, consisting of a number of incorporated cities and unincorporated areas. Citygate presented to Fresno County Administration and the County Board of Supervisors a document that was suitable for use in developing fire protection policies within the unincorporated areas of Fresno County; for use by the Board of Supervisors in pursuing funding for fire protection services within Fresno County; and, for use in identifying opportunities for fire protection improvements via organizational changes and/or additional revenues.</p> <p>Citygate outlined options for alternative fire protection service delivery systems, and provided specific implementation measures and strategies for accomplishing recommendations and alternatives, including specific recommendations to obtain public and community input. Material presented in Section IV of our report was intended for use in addressing the requirements of Government Code section 56430.</p>	<p>January 2003</p> <p>Mr. John W. Weiser Principal Administrative Analyst</p> <p>(559) 488-1710</p>
<p>City of Peoria, AZ</p> <p>Fire Department Master Plan</p>	<p>For this rapidly growing city near Phoenix, Citygate Associates developed a comprehensive Fire Department Master Plan, which will guide the City in making future decisions regarding facilities, equipment, programming and staffing to provide fire and emergency medical services.</p> <p>The goal of the study was provide a strategic master plan document that will allow the City to manage its finite resources to maintain or increase levels of service while at the same time decreasing duplication of effort and achieving cost savings. This was accomplished through a review of current operations and an analysis of risk assessment, growth projections, service levels, and standards of response coverage. The end product gives the City and the Fire Department a resource to make future policy and as it relates to fire service, facilities, equipment, and staffing.</p>	<p>July 2002</p> <p>Robert McKibben Fire Chief</p> <p>(623) 773-7440</p>

CLIENT	NATURE OF ENGAGEMENT	TIMEFRAME, CONTACT, PHONE NO.
<p>City of Brentwood, CA</p> <p>Fire Services Master Plan</p>	<p>Citygate Associates developed a comprehensive Fire Suppression and Emergency Medical Services Master Plan for this fast growing Bay Area city. The completed master plan will guide the City in making future decisions regarding facilities, equipment, programming and staffing to provide fire and emergency medical services.</p> <p>The City and its surrounding area currently receive fire suppression and emergency medical services from Contra Costa County through special fire districts. The master plan does the following:</p> <ul style="list-style-type: none"> <li>• identifies the City's current service levels, benchmarking those service levels against similar cities to determine where deficiencies exist;</li> <li>• develops a master implementation plan, including costs, to bring the current deficiencies up to an acceptable, contemporary base line standard;</li> <li>• identifies the advantages and disadvantages of creating the City's own fire department to provide fire suppression and emergency medical services, including the necessary coordination with LAFCO;</li> <li>• identifies staffing and capital facilities needs, both now and for the ultimate build-out of the City; and</li> <li>• develops an implementation plan to deliver the build-out services and capital facilities when needed.</li> </ul>	<p>July 2002</p> <p>Mr. John Stevenson City Manager</p> <p>(925) 516-5440</p>
<p>City of Gilroy, CA</p> <p>Fire and Emergency Services Master Plan</p> <p>Update of the Master Plan</p>	<p>Citygate Associates prepared a 20-Year Fire Services Master Plan for the City of Gilroy. This city of 37,000 is experiencing rapid growth and demand for services. Study activities included: conducting and facilitating several public meetings and planning meetings with city officials; reviewing department operations; assessing current risk in the community; analyzing calls for service and projecting future demand; developing service levels and standards of response coverage; evaluating existing and future fire service and emergency medical service needs including facilities, programs, and staffing; and writing the 20-Year Master Plan and its accompanying Action Plan.</p> <p>Since the creation of the Master Plan, many changes have taken place in the City. Growth and development forecasts have accelerated, the General Plan has been updated, decisions have been made concerning commercial and industrial development, and staffing has changed at various levels. Therefore, in August 2003 the City of Gilroy engaged Citygate to review and update the Fire Services Master Plan to bring it into alignment with the changes that have transpired since its creation.</p>	<p>August 2000</p> <p>Update 2004</p> <p>Mr. Jeff Clet Former Fire Chief (Currently Fire Chief of San Jose, CA)</p> <p>(408) 277-4444</p>



## E. GENERAL

Finally, Citygate would like to present a list of general studies that we have performed.

CLIENT	NATURE OF ENGAGEMENT	TIMEFRAME, CONTACT, PHONE NO.
City of Cloverdale, CA  Update of Master Needs Assessment and Police/Fire Development Impact Fees	Currently engaged in a two-phase engagement for the City of Cloverdale. In the first phase, we assessed key policy issues to help the City gain an understanding of the key choices it has to make for the sizing of public safety services. Phase two will provide a detailed, specific issue analysis with recommendations for implementation, including the formulation of development impact fees.	<i>Engagement in Progress</i>  Mr. John Wanger City Engineer  (707) 571-8005
Emergency Medical Services Authority (EMSA) CA Department of Health and Human Services  Terrorism Awareness Response and Training	Citygate formulated a terrorism awareness training evaluation project, developed curriculum for terrorism awareness/response training and established terrorism awareness/response training guidelines for emergency medical service first responders for the Emergency Medical Services Authority (EMSA) of the California Department of Health and Human Services. EMSA then contracted with Citygate to develop the Phase II implementation of this training program.	April 2005  Ms. Tonya Hines Disaster Medical Analyst  (916) 322-4336 ext 458
City of Sierra Madre  Review of the Fire Department	Citygate conducted a policy review of the Sierra Madre Volunteer Fire Department. This included analyzing the level of fire and emergency medical services currently provided, determining what the level of service should be, and analyzing the costs of the appropriate level of service as well as the method of delivery of these services.	September 2004  Ms. Tamara Letourneau Formerly City Manager  Currently, City Manager for Yorba Linda  (714) 961-7110
City of Richmond, CA  Overtime and FSLA Study	Citygate conducted a comprehensive study of the factors that bear on the City's current cost experience with regard to overtime pay and the impact of the Fair Labor Standards Act (FLSA) upon fire department operations.	January 2004  Mr. Cedric Williams HR Director  (510) 620-6602

<b>CLIENT</b>	<b>NATURE OF ENGAGEMENT</b>	<b>TIMEFRAME, CONTACT, PHONE NO.</b>
City of Covina  Fire Department Review as part of a Citywide Assessment	As part of a Citywide Assessment of the City of Covina, Citygate identified an opportunity to renegotiate Covina's contract with the Los Angeles County Fire Department for provision of fire protection services and saved the City \$400,000 annually for a ten-year period.	May 2003  Mr. Paul J. Philips, City Manager  (626) 858-7212
City of Roseville, CA  Ambulance Transport Study	Citygate Associates performed a Fire and EMS service analysis for the City of Roseville and developed a comprehensive Ambulance Transportation Service for this rapidly growing Sacramento suburb.  This study was undertaken because the Fire Department's response times have become longer, due to a high growth rate. The population growth, which is approximately 7 percent per year within the City, is the number one challenge to the Fire Department. Because of this growth, secondary to residential, commercial, and industrial development, requests for both emergency and non-emergency EMS service continue to increase annually.  Citygate analyzed current needs and forecast staffing and other resource needs for both five and ten years into the future.	April 2003  Chief Ken Wagner  (916) 774-5825 (916) 774-5819 FAX
City of Ripon, CA  Evaluation of the Financial Relationship between the City of Ripon and the Fire Protection District	Citygate Associates completed an assessment of the financial relationship and service level options between the City of Ripon and the Ripon Fire Protection District.  The City of Ripon presently receives its fire protection services from the separate Ripon Fire Protection District, and the District has approached the City for an increase in funds to provide for service levels. Citygate evaluated the following: <ul style="list-style-type: none"> <li>• The details of the services the City is receiving from the District.</li> <li>• The present cost for the services.</li> </ul> Opportunities for options and alternatives within the existing relationship to provide fire protection services in the future.	May 2002  Mr. Leon Compton City Manager  259 N. Wilma Ave. Ripon, CA 95366  (209) 599-2108
City of Patterson, CA  Development of a Recommended Scenario for the Provision of Fire Protection Services	Citygate conducted a study to develop a recommended scenario for the provision of fire protection services in the City of Patterson. The City is seeking to maintain adequate fire protection for its residents and businesses as it faces high rates of growth. The project evaluated and projected current and future fire protection services needs within Patterson city limits (and its sphere of influence and annexations currently in process). The culmination of this effort was a multi-year budget projection through fiscal year 2005-06 based on the anticipated fire-related needs of the community, given specified fire protection safety thresholds driven by growth. Once approved by the City of Patterson, Citygate's report was used as input for consideration of a benefit assessment district.	July 2001  Reference no longer serving the City

<b>CLIENT</b>	<b>NATURE OF ENGAGEMENT</b>	<b>TIMEFRAME, CONTACT, PHONE NO.</b>
<p>County of Sonoma</p> <p>Department of Emergency Services</p> <p>Strategic and Operational Survey of Fire Districts in Sonoma County</p>	<p>Citygate Associates completed a comprehensive survey of the services provided by fire districts in Sonoma County, including emergency medical services (EMS). The survey captured numerous data elements related to the fire district and its service area. Several examples follow: specific services provided, interagency agreements, operating expenditures, revenue and reserves, staffing, system planning and response capability, incident workload, etc. The information gathered was supported by on-site interviews and validation. Citygate developed individual reports as well as an aggregate analysis for each of the participating districts. The report compared the district's strategies, operations, and financial condition to emerging trends and "best practices" in the fire service. The County received a summary report that aggregated all of the data and presented the general findings and conclusions.</p>	<p>August 2001</p> <p>Mr. Vern Losh Director Sonoma County Department of Emergency Services</p> <p>(707) 565-1152</p>
<p>Mountain House Community Services District (CA)</p> <p>Review of Fire Protection Services</p> <p>Ongoing Analysis and Support</p>	<p>Citygate performed an analysis of current fire protection service and future fire protection alternatives for the 20-year expected build-out of this new development in San Joaquin County, CA. Included in this project was assistance in completing negotiations between the adjacent City of Tracy and the California Department of Forestry (CDF) for contracted fire protection services.</p> <p>Citygate provides ongoing analysis and management support to the CSD. To date, this has included:</p> <ul style="list-style-type: none"> <li>• water, wastewater, storm drain and solid-waste service</li> <li>• annexation issues</li> <li>• financial analysis and capital and operational budgeting</li> <li>• fire and police contracts</li> </ul>	<p>2001</p> <p>Mr. Paul Sensibaugh General Manager (209) 468-9998</p> <p>Ongoing</p>
<p>City of Santa Rosa Fire Department</p> <p>Fire Prevention Bureau Performance Review</p>	<p>Completed a Performance Review of the Santa Rosa, CA Fire Department. The scope of this project was to assess the Fire Protection Bureau. The purpose of the study was to achieve an independent, objective and rigorously analytical review of the current Bureau operations and management, and identify opportunities for improvement.</p>	<p>August 2000</p> <p>Chief Tony Pini Fire Department</p> <p>(707) 543-3500</p>

CLIENT	NATURE OF ENGAGEMENT	TIMEFRAME, CONTACT, PHONE NO.
<p>City of Corona, CA</p> <p>Fire Department Management and Operations Study Phase I and Phase II</p> <p>Other rotating management audits (see details in the next section)</p>	<p>Citygate Associates conducted a review of the City of Corona's Fire Department. The City of Corona is one of the fastest growing cities in the United States today. Phase One of this review consisted of a detailed financial assessment of the Department's budget. Operating costs along with overtime and capital were included in the review. Phase Two of the study involved analyzing the various critical factors of success including: management, staffing, operating and capital budget, organization structure, strategic planning, resource deployment, operations, equipment, technology, human resource management, training, management information systems, performance measurement and policies and procedures. The objectives of the study were to evaluate the services, the efficiency and the effectiveness, the mission, goals and objectives of the organization and to make recommendations for improvements. The review included an evaluation of fire prevention, fire inspections, fire incident reports, mutual aid agreements, response times, and apparatus and equipment. Also included in the study was an evaluation of a proposed new station's operating budget, staffing, level of service, and site location.</p>	<p>December 1999</p> <p>Mr. William Workman former Corona City Manager</p> <p>Currently City Manager of Redondo Beach</p> <p>(310) 372-1171 ext. 2218</p> <p>Chief Michael Warren</p> <p>(909) 736-2220</p>

In addition to the above mentioned references, Citygate has performed work for the following clients:

**East Contra Costa County (CA) Fire Protection District**

Comprehensive Fire Department Master Plan, which will guide the newly formed District in making future decisions regarding facilities, equipment, programming and staffing to provide fire and emergency medical services.

**Alpine Springs County Water District (CA)**

Study to determine a cost allocation and funding plan to facilitate the annexation of the Alpine Meadows Volunteer Fire Department, which falls under the administration of the Alpine Springs County Water District, into the North Tahoe Fire Protection District.

**South Placer Fire District (CA)**

Conduct a fire station location study for this suburban district located in unincorporated portions of south Placer County, CA adjacent to and east of Roseville.

<b>City of Costa Mesa, CA</b>	Study of current fire station location effectiveness, and efficiency in meeting the service demands within the City, followed by recommendations to address opportunities for improvement.
<b>Cameron Park Community Services District (CA)</b>	An examination of the options and estimated costs available to the Cameron Park Community Services District in providing fire protection services to its residents.
<b>Los Osos Community Services District and the South Bay Fire Department (SBFD), San Luis Obispo County, CA</b>	Operations review of the SBFD to determine if it is currently using available funding effectively and efficiently. Increase public awareness and understanding of fire protection requirements so that an informed decision can be made in the upcoming election process for a tax increase.
<b>Sierra Economic Development District</b>	Development of a Fire Safe Plan for the greater Auburn, CA area and for the Placer County communities of Colfax, Iowa Hill, Placer Hills and Foresthill.
<b>City of Placerville, CA</b>	Analysis of fire service levels and fire protection alternatives.
<b>Town of Collierville, TN</b>	Fire and Emergency Medical Services five-year plan.
<b>Clark County, WA</b>	Review of the Fire Marshal's Office.
<b>City of Davis, CA</b>	Feasibility and financial study for the construction and staffing of a proposed Fire Station.
<b>Kirkwood Resort Company</b>	Review of the 1997 fire master plan, including an on-site review of Kirkwood's current and planned development as it affects the need for fire protection, and a presentation of findings and recommendations at a El Dorado County public hearing on development approval.

**Stanford University**

An independent review of Stanford's contract with the City of Palo Alto to provide fire protections services to the University, determining whether the contracted services are appropriate for the types and levels of risk found at the University. One objective of the evaluation project was to identify any misalignments between risk exposure and the profile of services provided. Once that determination was made, the costs of the contracted services were evaluated for appropriateness as well.

**City of Woodland, CA**

Reviewed the timing in an existing agreement to trigger the construction of a fifth fire station for which new development has created a need.

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## **ATTACHMENT 3**

# **PROJECT TEAM RESUMES**

## RESUMES OF KEY PROJECT TEAM MEMBERS

The resumes of the key project team members follow. The resumes are arranged in the same order as presented in the description of the Project Team.

### **CITYGATE ASSOCIATES**

### **DAVID C. DEROOS, MPA, CMC**

Mr. DeRoos is the President of Citygate Associates, LLC and former Deputy Director of the California Redevelopment Association. He earned his undergraduate degree in Political Science/Public Service (Phi Beta Kappa) from the University of California, Davis and holds a Master of Public Administration degree from the University of Southern California. Mr. DeRoos has over five years of operational experience as a local government administrator in land use planning, budgeting, and personnel, and over twenty years of consulting experience performing operations and management reviews of local government functions. Prior to joining Citygate in 1991, he was a Senior Manager in the State and Local government consulting division of Ernst & Young.

#### **Relevant Experience Includes:**

- ◆ For all Citygate fire service projects, Mr. DeRoos reviews work products and is responsible for ensuring that each project is conducted smoothly and efficiently within the schedule and budget allocated, and that the project deliverables are in conformance to Citygate's quality standards. Please see the attached list of references for details.
- ◆ Recently served as Project Director for the City of Pismo Beach and surrounding communities' Consolidation Feasibility Study. This was an independent review of the current fire department service relationships to determine if a functional or a full consolidation of one or more departments would provide cost stabilization while maintaining effective services.
- ◆ Recently served as Project Director for a Consolidation Study of the Seaside and Marina Fire Services. This project included facilitating discussions to finalize a list of the most critical fire service consolidation implementation issues, including what will be merged, in what order and schedule.
- ◆ Provided quality control and project oversight for two studies for the City of South Lake Tahoe:
  - The creation of a Community Fire Safe Plan;
  - A fire department consolidation feasibility analysis for the City of South Lake Tahoe area and the surrounding South Basin area.
- ◆ Currently working with the City of Folsom's City Manager and Finance Director to link and integrate the City's Strategic Plan with the formulation of the operating and capital budget. This project includes working with Folsom's line departments to identify their respective roles in the achievement of the City's Strategic Plan, presenting those roles, projects, and goals in departmental budgets,



and identifying performance indicators to measure accomplishment of each component of the Strategic Plan. The project also includes developing and presenting training materials to the departments in how to implement this approach within their annual budget formulation processes.

- ◆ Provided quality control and project oversight for a countywide fire protection study for Fresno County, CA for the County's use in developing fire protection policies and making funding decisions.
- ◆ Served as Project Director for the Sierra Economic Development District's (SEDD) development of a Fire Safe Plan for the greater Auburn, CA area and for the Placer County communities of Colfax, Iowa Hill, Placer Hills and Foresthill.
- ◆ Served as Project Director for a feasibility and financial study prior to the construction and staffing of a proposed Fire Station for the City of Davis, CA.
- ◆ Provided quality control and project oversight for a financial and operational survey of all fire agencies within Sonoma County, CA. This project also included a strategic plan.
- ◆ Served as Project Director for Citygate's Management and Operations Review of the City of Corona's Fire Department. The study, separated into two phases, included a detailed review of the Department's operating budget and crucial factors critical to the success of the Department. Organizational structure, human resource management and allocation, department policies and procedures, strategy and planning, leadership, operations, resource allocation, training, management information systems, and performance measures are examples of factors reviewed. His role included assisting the Department and City Management in their internal and external budget negotiations.
- ◆ Provided quality control for a citywide management assessment of all non-safety departments of the City of Covina. This included evaluation of the anticipated and actual outcomes of the City's policy decision to contract with Los Angeles County for fire protection services.
- ◆ Provided project oversight and quality control for an independent review of Stanford University's contract with the City of Palo Alto to provide fire protections services to the University, determining whether the contracted services are appropriate for the types and levels of risk found at the University. One objective of the evaluation project was to identify any misalignments between risk exposure and the profile of services provided. Once that determination was made, the costs of the contracted services were evaluated for appropriateness as well.
- ◆ Conducted a review of the general fund Capital Improvement Program for the City of Salt Lake City. The study included a presentation of options for programming and financing a 20-Year Plan; identifying capital needs for not only new projects but also the maintenance of existing assets. Further characteristics of the scope of the study include: a complete listing of future General Fund CIP needs, beginning with the City's existing Inventory of Capital Needs; a review of the processes as well as the results of capital project planning; a comparison of the

City's approach to the "best practices" of comparable municipalities; an evaluation of the cost estimation process used for each capital need; prioritized programming recommendations for all General Fund capital needs within the 20-year period; identification of recommended options for financing Capital needs for the 20 year period; and recommended approaches that could permit increasing the current levels of capital funding.

- ◆ Served as Project Director for a comprehensive performance audit of Community Development Department of the City of Reno, NV. Included in the audit were the following functions: Building Code Enforcement, Community Resources, Engineering, Planning, Program and Service Management, and Property Management.
- ◆ Provided quality control for a citywide organizational and performance review of all City departments of the City of Glendora, CA.
- ◆ Served as Project Director for a citywide management audit of all departments of the City of Pinole, CA. Subsequently directed an additional project to assess the historical and current use of the City's Utility Users Tax revenue and to determine the effectiveness and efficiency of this revenue source's use, especially as it relates to the funding of Pinole's police and fire services.
- ◆ Performed seven General Management and Operations Studies for the City of Corona's Police Department, Housing and Development Department, Public Works Department, Utility Services Department, Public Library, Building Department, Planning Department, and Management Services Department. These studies included the examination of factors that were critical to the success of each of the departments, such as staffing, resource allocation, organizational structure, human resource management and allocation, department policies and procedures, strategy and planning, leadership, operations, training, management information systems, and performance measures.
- ◆ Performed five General Management and Operations Studies for the City of Ogden's Community Development, Parks and Recreation, Police, Public Works and Animal Control Departments. The studies included numerous tasks such as identifying and documenting the attitudes of employees, analyzing existing programs and service levels, evaluating the current operations assessing the adequacy of organizational structure and management staffing levels, and identifying modifications.

Mr. DeRoos is a member of several professional and civic associations. He has taught for the U.C. Davis Extension College and for graduate classes in Public Administration, Administrative Theory and Labor Relations for Golden Gate University, and Non Profit and Association Management for the University of Southern California. He has been a speaker for the American Planning Association (APA), written for the California APA Newsletter and the California Redevelopment Journal, and has been a speaker on redevelopment, Base Closures, and related issues across the US. Mr. DeRoos holds a certificate in Public Sector Labor Management Relations from U.C. Davis, and is a Certified Management Consultant (CMC).

Mr. Milnes has extensive experience in municipal management having served as City Manager or Assistant City Manager for 24 years. He recently retired as the City Manager of Stockton, CA. He earned a doctorate in Public Administration from the University of Southern California. Mr. Milnes is a member of the International City Management Association and the American Society for Public Administration.

**Related experience includes:**

- ◆ Recently served as Project Director in the multi-phase project in the City of Vista, CA, which involved reviewing and updating a full range of fire and other development impact fees.
- ◆ Provided technical financial oversight and quality control assurance on matters associated with the City's budgeting approaches, CIP practices and financial strategies associated with the implementation of the Fire Development Impact Fee program in the City of West Sacramento, CA.
- ◆ Currently Project Director for the City of Cloverdale, CA project in which we are updating the Master Plan Needs Assessment and Police/Fire Development Impact fees.
- ◆ Recently retired as City Manager of Stockton, CA, a full service charter city including redevelopment, economic development, housing, parks and recreation, fire, police, sewer, water, and development cooperation with inland seaport and airport. The City has 1800 employees and a city and redevelopment budget of \$213 million. In this capacity, he was responsible for long range planning, daily operations, and regional/project work for all city and redevelopment operations.
- ◆ As a City Manager in three separate cities, was responsible for the design, financing, planning, and move-in to two new city halls and one new police station.
- ◆ Served as Budget and Cost Analyst for an independent review of Stanford University's contract with the City of Palo Alto to provide fire protection services to the University, determining whether the contracted services are appropriate for the types and levels of risk found at the University. One objective of the evaluation project was to identify any misalignments between risk exposure and the profile of services provided. Once that determination was made, the costs of the contracted services were evaluated for appropriateness as well.
- ◆ Served as Project Manager and Lead Consultant for a review the City of Vista, CA's current financial condition, financial practices and strategies, staffing and organizational arrangements, developing recommendations addressing each of the three principal areas of the Five Year Financial Plan.
- ◆ Served as Budget and Cost Analyst for an assessment of the historical and current use of the City of Pinole, CA's Utility Users Tax revenue, to determine the effectiveness and efficiency of this revenue source's use, especially as it relates to the funding of Pinole's police and fire services.

- ◆ Serving as Project Manager for a series of Citygate projects to review the inter-agency service contracts (including fire and police), finance system, financial projections, and water, wastewater, storm drain and solid waste utility operations/contracts for Mountain House, an approved housing, commercial and business development in southwestern San Joaquin County, CA.
- ◆ Served as Executive Director of the San Joaquin Area Flood Control Agency. In this capacity, Mr. Milnes managed the creation of joint powers authority and served as Executive Director of a multi-jurisdiction flood control project to finance, design, permit, and construct a \$70 million program.
- ◆ As City Manager of Stockton, CA, and Redevelopment Agency Executive Director, directed the successful redevelopment strategy to revitalize a blighted and crime plagued central downtown area, formulating and implementing catalyst projects using a variety of local, state and federal funding sources to assist in both public and private projects. Expanded the redevelopment areas and negotiated a joint City/County redevelopment project area and zoning/public services for an industrial development around the county airport.
- ◆ Mr. Milnes completed Phase I, II, and III of Ogden City, Utah's RDA Management and Operations Review.
- ◆ Served as Project Manager for a citywide management assessment for the City of Glendora, including the Planning, Housing, and Redevelopment function.
- ◆ Served as senior consultant specialist in the areas of finance and administration for a recently concluded citywide management assessment of the non-safety departments of the City of Covina, California, including redevelopment activities.
- ◆ Directed successful applications for State Enterprise Zone designation for the cities of Stockton, Merced and Yuba City, CA
- ◆ Managed economic development projects including: waterfront open air event center, Children's Museum, historic theater renovation, conversion of State Developmental Center to State College campus, and various industrial and commercial projects and housing rehabilitation.
- ◆ Expanded the redevelopment areas and negotiated a joint City/County redevelopment project area and zoning/public services for an industrial development around the county airport.
- ◆ Directed the implementation of a multi-department Safe Stockton program including: implementation of sector policing, school resource officer program (SRO), integration of after-school recreation with SRO and homework programs, sector-based code enforcement, Safe Neighborhood activities to aggressively assist organized neighborhoods, anti-gang task force, truancy and curfew center.
- ◆ Directed creation of Geographic Information System to replace mapping, integrate police crime data for operational planning, and combination of land-based files for more effective interdepartmental coordination and service delivery.

- ◆ Implemented on-going Total Quality Management program using team members from various departments for system analysis and program redesign of many city activities.
- ◆ Broadened city training programs to implement customer service improvements, supervisory and promotional training, and new technology skill upgrade.
- ◆ Served as City Manager of Merced, CA, a full service charter city with 500 employees and a \$57 million budget. Significant accomplishments included: development of a 40-year community growth plan; preparation of a downtown redevelopment land-use plan; gaining approval and subsequent development of an auto mall; originating a program to designate Merced as a “Kids Place” including integrating concern for youth into local policy-making; management of the design and construction of a new City Hall/Civic Center
- ◆ As City Manager of Merced, CA and Redevelopment Agency Executive Director, directed the planning and implementation of private and public projects to stabilize and revitalize the older downtown and adjacent areas.
- ◆ Served as City Administrator of Yuba City, CA. Significant accomplishments included: development of multi-year capital planning; establishment of interdepartmental task forces for citywide planning; implementation of a regional transit system; implementation of a citywide employee training program to upgrade performance and to improve opportunity for promotion.

Mr. Gary was, until his recent retirement, the Fire Chief of the Livermore-Pleasanton Fire Department. Now in his 35th year in the Fire Service, Mr. Gary began as a volunteer and worked his way up through the ranks, including his service as a Paramedic for five years.

Mr. Gary started his career with the City of Poway in San Diego County, attaining the rank of Battalion Chief/Fire Marshal. He subsequently served as the Administrative Battalion Chief for the Carlsbad Fire Department in San Diego County. He was appointed Fire Chief for the City of Livermore, CA in January 1994, and two years later, he successfully facilitated the peer-to-peer merger of the Livermore and Pleasanton Fire Departments into one seamless ten-company department from which he recently retired as Chief. This successful consolidation was awarded the esteemed Helen Putnam award for excellence and innovation by the California League of Cities in 1999.

Mr. Gary has both a Bachelors and Master's degree in Public Administration from San Diego State University. He holds an Associate in Fire Science Degree from Miramar Community College in San Diego, a Certificate in Fire Protection Administration from San Diego State, and he has attended hundreds of hours of seminar course work in fire protection.

Mr. Gary has served in elected professional positions, including: President, California League of Cities, Fire Chiefs Department and Chairperson, San Diego County Paramedic Agencies. He has been involved in progressive responsibility for creating or implementing fire protection policy on the local, state and national levels. He has served as a Board Member representing cities on the California Office of Emergency Services-Firescope Board, and served two terms as the Fire Chief representative on the California League of Cities Board of Directors.

**Memberships Held Include:**

- ◆ International Association of Fire Chiefs, Fairfax, VA
- ◆ California Fire Chiefs Association, Rio Linda, CA
- ◆ National Fire Protection Association, Quincy, MA

**Current Consulting Experience Includes:**

Since joining Citygate, Stewart's projects have included:

- ◆ Serving as Project Manager for a consolidation feasibility study for the City of Pismo Beach, CA and the surrounding communities.
- ◆ Served as Project Director for determining fire station location and crew staffing needs for the City of Minneapolis, MN Fire Department.
- ◆ Served as Project Manager for a Standards of Cover Deployment Analysis for the City of Vista, CA.
- ◆ Served as Project Manager on a recent project for the City of Monterey Park, CA in which Citygate conducted an "abbreviated" Standards of Response Coverage Plan to determine the optimum site for the relocation of one Fire Station.
- ◆ Served as Project Manager for an "abbreviated" deployment analysis for the City of West Sacramento, CA. This study determined fire station coverage as well as

the provision on going support toward the Fire Department's creation of a full deployment plan, including staffing analysis. In addition, Mr. Gary provides oversight for a current Citygate project to calculate fire impact fees for the City. His involvement includes ensuring appropriate deployment of fire response services and providing an interface with the Fire Department to ensure that their anticipated needs are addressed.

- ◆ Served as Project Manager for the development of a deployment analysis to determine fire station and fire crew coverage in the existing City of Vacaville, CA and possible annexation areas.
- ◆ Served as Project Manager for a Standards of Cover Deployment Analysis for the City of South Santa Clara, CA.
- ◆ Served as Project Manager for a Standards of Cover Deployment Analysis for the City of Palm Springs, CA.
- ◆ Served as Project Manager for a Standards of Cover Deployment Analysis for the North Lake Tahoe Fire Protection District (NV).
- ◆ Serving as Project Manager for a consolidation feasibility study for the City of Pismo Beach, CA and the surrounding communities.
- ◆ Serving as Project Manager for a Fire Master Plan for the City of DuPont, WA.
- ◆ Served as Project Manager for the Master Needs Assessment for the City of Cloverdale project.
- ◆ Served as Project Manager for the development of a deployment analysis to determine fire station and fire crew coverage for the Menlo Park, CA Fire Protection District, six adjacent fire service areas in Southern San Mateo County, CA and the City of West Sacramento, California.
- ◆ Served as Project Manager for a project to determine a best-fit location for one additional fire station in the City of Seaside, CA.
- ◆ Served as Technical Director for a Fire Station Location and Resource Deployment Study for the City of Costa Mesa, CA.
- ◆ Served as the Methodology Support Director for a fire/EMS service analysis and comprehensive ambulance transportation study for the City of Roseville, CA.
- ◆ Served as the Technical Director for a countywide fire protection study for Fresno County, CA.
- ◆ Served as the Technical Director on a fire services master strategic plan project for the City of Peoria, AZ.
- ◆ Served as the Technical Director for a two-phased study for the City of Yuba City, CA. The first phase involved assessing the feasibility of merging a rural fire protection district into the Yuba City Fire Department and then advising the City Administrator and the Fire Chief throughout the process. The second phase was a "Standard of Cover" study for the resulting merged area.

### Other non-Citygate Relevant Experience Includes:

- ◆ In 2000, Mr. Gary was the lead deployment consultant on a team that developed a new strategic plan for the San Jose Fire Department. The final plan, which used the accreditation system methods and Standards of Response Coverage tools, was well received by the Department and City Council, which accepted the new strategic plan on a 9-0 vote.
- ◆ In 1996, Mr. Gary successfully studied and then facilitated the peer-to-peer merger of the Livermore and Pleasanton Fire Departments into one seamless ten-company department for which he serves as Chief. The LPFD represents one of the few successful city-to-city fire mergers in California. The LPFD consists of 128 total personnel with an operating budget for FY 00/01 of \$18M. Service is currently provided from eight stations and a training facility. Two additional stations are under construction.
- ◆ In 1995, Mr. Gary began working with the International Association of Fire Chiefs and International City Management Association Accreditation project on the *Standards of Cover* system for fire service deployment. He re-worked the material into a California manual and annually teaches a 40-hour course for the California Fire Academy. He conducts seminars on this deployment methodology for the International Fire Chiefs across the United States and Canada.
- ◆ In 1994, Mr. Gary effectively led the Fire Department's adding of paramedic firefighters on all engines to increase service. Previously the Alameda County regional system was under-serving Livermore, and the local hospital emergency room was closing. Residents and the City Council approved a local EMS supplemental property tax assessment (successfully re-voted after Proposition 218) to help pay for this increased service. In 1995, Mr. Gary assisted the City Council and the firefighters union in reaching a new understanding on staffing, and a fifth Fire Company was added to better serve the Northwest area of Livermore.
- ◆ During his tenure in Carlsbad, he successfully master planned and opened two additional fire stations and developed the necessary agreements between the development community and the City Council.
- ◆ Mr. Gary has developed fire apparatus replacement plans; procured fire apparatus; supervised the development of community disaster preparedness and public education programs; facilitated permit streamlining programs in the Fire Prevention and Building Departments; improved diversity in the Livermore fire department by hiring the first three female firefighters in the City; supervised the Livermore City Building Department including plan check and inspection services for two years; master planned future growth in the North Livermore area for an additional 30,000 people in a "new town" area.
- ◆ Mr. Gary facilitated a successful regional dispatch consolidation between Poway and the City of San Diego Fire Department. He developed and implemented fire department computer records systems for Carlsbad and Livermore.



- ◆ Mr. Gary has been a speaker on the proper design of information systems at several seminars for Fire Chiefs, the California League of Cities and the Fortune 100. He has authored articles on technology and deployment for national fire service publications.
- ◆ Mr. Gary is experienced as an educator in teaching firefighting, paramedicine and citizen CPR programs. As a community college instructor, he taught management and fire prevention. He has been an instructor for State Fire Training and the San Diego Paramedic program.
- ◆ Mr. Gary was fortunate to be a Rotary exchange team member to West and East Germany for six weeks in 1986, where he studied fire and emergency medical practices in that part of Europe.

#### **Instructor and Lecturer:**

- ◆ Instructor and lecturer on Fire Service Deployment for the Commission on Fire Accreditation Standards of Cover Methodology. Over the last five years, Mr. Gary has presented one-day workshops across the U.S. and Canada to fire chiefs. Presentations have included:
  - The International Association of Fire Chiefs Convention;
  - U.S. Navy Fire Chiefs in Norfolk, Virginia;
  - U.S. Air Force Fire Chiefs at the USAF Academy, Colorado Springs, Colorado;
  - Seattle area Fire Chiefs;
  - Vancouver British Columbia Fire Chiefs Association;
  - The Michigan/Indiana Fire Chiefs Association School at Notre Dame University;
  - The California Fire training Officers annual workshop.
- ◆ Developed and taught for seven years, the 40-hour course in fire deployment methods for the California Fire Academy. Over 250 fire officers have been trained in this course.

#### **Presentations:**

- ◆ “Mapping the Future of Fire.” First, ever fire service technology conference, October 2000, Dallas, Texas. Outlined fire service needs, especially for GIS mapping and mobile data technologies in the fire service.

#### **Publications:**

- ◆ Edited, partially wrote and co-developed the 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> Editions of the Commission on Fire Accreditation Standards of Response Cover Manual.
- ◆ Fire Chief Magazine article. February 2001, “System of Cover.” Using the Accreditation Commission’s Standards of Response Cover systems approach for deployment.

- ◆ Fire Chief Magazine article. December 2000, “Data to Go.” Designing and implementing wireless data technologies for the fire service.

Michael J. Price is a Consulting Geologist and a Natural Resources and Public Safety/Emergency Management GIS Specialist.

**Summary of Qualifications:**

- ◆ Geographic Information Systems (GIS) Specialist/Computer Systems and Software Analyst: Nineteen years' experience in computer modeling, database development and management, computer systems support and instruction, emphasizing GIS and Spatial Analysis.
- ◆ Geologist, Geophysicist: Twenty-eight years' experience with major mining companies in the fields of geology and geophysics, including exploration, prospect evaluation, project development, and mining operations.
- ◆ Industry Education Specialist: Twenty years' experience as adult education and secondary school instructor, including college geology instructor, college computer science teacher, fire service, emergency management instructor, and high school science and math tutor.
- ◆ Public Outreach Specialist: Sixteen years' experience as Public Safety, Emergency Management, Mining Industry Education and Public Outreach Specialist.
- ◆ Emergency Management, Public Safety, Wildland Fire, Public Service
- ◆ Firefighter: Twenty-five years experience as a volunteer firefighter. Twelve years experience as Certified Firefighter I, II, and Hazardous Materials Operator.
- ◆ Fire Instructor, Training Officer: Twenty two years experience as a Fire Instructor and Training Officer, responsible for all training of up to 45 volunteer firefighters. Ten years experience as Certified Instructor II.
- ◆ Fire Officer: Five years experience as line Fire Lieutenant, supervising an Engine Company of six to eight volunteers.
- ◆ Fire District Commissioner: Three years experience as District Fire Commissioner.
- ◆ County Emergency Management: Five years experience as Member of Local Emergency Management Committee (LEPC); Two years experience as Assistant Director of Emergency Management, Grand County, UT.
- ◆ Wildland/Urban Interface Technical Coordinator: Three years experience as WUI Technology and Geographic Information Systems Specialist with National Firewise Communities program.
- ◆ Community Boards, Civic Organizations, Professional Organizations: Five years member of Grand County Board of Adjustment, including one year as chairperson. Three years member of Canyonlands Natural History Board. Three years member of Dan O'Laurie Museum Board. Fifteen years member of Society of Mining, Metallurgy, and Exploration (SME) Government, Education, and Mining (GEM) Committee, including one year as International Chairperson.

## **Professional Experience:**

### *Natural Resource Management, Geographic Information Systems:*

#### **Engineering Geologist/Natural Hazards Specialist**, Entrada/San Juan Moab, UT

- ◆ Developed, managed, and analyzed spatial data and GIS models for Mining, Earth Sciences, and Emergency Management, focusing on Geologic Hazards, Environmental Mitigation, Municipal Fire, and Wildland/Urban Interface Fire
- ◆ Advised and supported National Fire Protection Association (NFPA) and Federal Emergency Management Agency (FEMA) in Wildland/Urban Interface and Natural Hazards assessment and training
- ◆ Authored, developed and presented GIS-based training curriculum and models to Mining, Natural Science, and Emergency Management professionals

#### **Mining and Earth Sciences Solutions Manager**, Environmental Systems Research Institute/ESRI, Redlands, CA

- ◆ Managed Mining and Earth Science marketing and technical programs worldwide for leading GIS developer. Supported spatial analysis and mapping technology across entire industry.
- ◆ Developed methodology and modeled geologic and natural resource data worldwide. Specialized in mineral exploration and production, natural hazards, hydrologic modeling, Wildland/Urban Interface modeling, and urban/rural growth planning.
- ◆ Assisted with Fire, Public Safety, Emergency Management, and Homeland Security programs. Served as Technical Advisor to Homeland Security Team.
- ◆ Served as Technical Advisor to Firewise Community Working Group. Co-authored Firewise Community National training set. Provided technical assistance and training support at many national Firewise Workshops.
- ◆ Developed and wrote numerous articles describing and teaching technical spatial analytical procedures and methods.
- ◆ Advised National Standards Organizations, including US Geological Survey and Federal Geographic Data Committee, regarding spatial and mapping issues.

#### **Senior Geologist**, Santa Fe Pacific Gold Corporation, Albuquerque, New Mexico

- ◆ Acquired, managed, interpreted, and presented worldwide Mining Industry data. Developed and managed project, budget, and financial databases.
- ◆ Computer modeled worldwide precious metals targets. Evaluated new targets and enhanced current prospects.
- ◆ Implemented Geographic Information Systems (GIS) databases and GIS procedures throughout organization.
- ◆ Sampled and evaluated volcanic and sedimentary hosted precious metals targets.
- ◆ Supported, administered, and maintained computer systems for several corporate departments. Instructed clerical and technical computer applications.

**Consulting Geologist / Computer Specialist, Entrada Enterprises, Moab, Utah**

- ◆ Generated computerized model studies of major Nevada precious metals properties. Developed and managed project data.
- ◆ Performed land studies, including claim location, surveying, and title perfection.
- ◆ Obtained permitting for mineral rights activities, cultural land use, and water resource appropriation in remote locations.
- ◆ Lectured and instructed general and historical geology, and computer sciences for several Utah colleges and universities.
- ◆ Performed computer system and software support, administration, maintenance, and instruction.

**Chief Operations Geologist, Atlas Corporation, Grand Junction, Colorado**

- ◆ Calculated and presented ore reserves utilizing computerized geologic modeling.
- ◆ Executed computer model studies to evaluate and optimize exploration projects and operating mines, 5 sites in western U. S.
- ◆ Supervised pre-development drilling of precious metals and uranium projects in Nevada, Utah, and Oregon.
- ◆ Managed over twenty professional, technical, and contracted employees.
- ◆ Developed computerized databases and models for exploration and pre-development projects.

**Project Geologist, Senior Operations Geologist, E. R. Farley Project, Moab, Utah**

- ◆ Supervised development drilling and geotechnical studies for large Colorado Plateau uranium deposit.
- ◆ Responsible for \$1.2 MM annual development budget.
- ◆ Developed and managed extensive project database. Supervised geologic and mining portion of Project Feasibility Study performed by major engineering firm on mainframe computer.
- ◆ Initiated, executed, and reviewed uranium/vanadium exploration projects in sedimentary rocks on the Colorado Plateau.
- ◆ Managed field geologic personnel performing geological, geophysical, geochemical studies, and exploration drilling.

**Exploration Geologist, Gulf Mineral Resources Company, Casper, Wyoming**

- ◆ Coordinated and supervised uranium exploration in the northern Rocky Mountain region.
- ◆ Generated and executed exploration programs in crystalline and sedimentary environments.
- ◆ Prepared and presented seminars to instruct staff about new exploration methods and techniques.

**Geologist / Geophysicist**, Employed by Uranex Corporation, Petro Mineral Projects, and McPhar Geophysics as a contract or consulting professional.

**Instructor- Geology, Computer Science, Fire Science, and Emergency Management**

- ◆ Geographic Information Systems instruction: ESRI, Office of Surface Mining, Society of Mining Engineers, Firewise Communities, Geological Society of America, American Association of State Geologists, National Science Teachers Association, others.
- ◆ Geology instruction: College of Eastern Utah, Canyonlands Field Institute, Grand County Schools, and others. Accredited college level geology programs taught through Utah State University, University of Utah, Brigham Young University, and Adams State College.
- ◆ Computer instruction: College of Eastern Utah, Petra Computer Services, and as a consultant.
- ◆ Fire Service and Emergency Management instruction: Moab (UT) Fire District, Bernalillo County (NM) Fire Department, Utah State Fire Training, and New Mexico State Fire Academy. Certified State of Utah Fire Fighter II, Instructor II, and Hazardous Materials Operations Responder. Adjunct instructor, New Mexico Fire Academy.
- ◆ Math and Science instruction: La Cueva High School, Albuquerque, NM.

**Awards, Activities:**

- ◆ Canyonlands Field Institute Directors Award: “for commitment to Outdoor Education in Southeastern Utah” (1993)
- ◆ Vice Chair of Society of Mining, Metallurgy, and Exploration’s (SME) Government, Education, and Mining (GEM) Committee (1996-1997).
- ◆ SFPG Gold Nugget award: activities as “ambassador..of the mining industry..and commitment to mining education” (1996).
- ◆ Recognized by New Mexico Science Teachers Association for “Outstanding and Dedicated Service to Science Education” (1996).

*Emergency Management, Public Safety, Wildland Fire, Public Service*

**Technical Coordinator**, NFPA Firewise Communities, Quincy, Massachusetts

- ◆ Served as Technical coordinator with Firewise Communities National Team.
- ◆ Co-authored Firewise Communities National Workshop Digital Training Model.
- ◆ Assisted with hands-on Workshop activities, including Breakout Sessions and Group Activities.
- ◆ Developed, presented Program Conclusion materials for National Workshops.
- ◆ Assisted with State-level Workshop design and implementation.
- ◆ Developed, tested, and implemented GIS data and Spatial Modeling for Firewise Communities.

**Associate, Moab Fire District, Moab, Utah**

- ◆ Volunteer associate with Moab Fire District.
- ◆ Advised District Fire Commissioners and County Officials regarding mapping and engineering technical issues.
- ◆ Planned, organized, supervised, evaluated Volunteer Training activities.
- ◆ Managed, supervised GIS implementation and agency deployment within Fire District and throughout Grand County.
- ◆ Served as Liaison with Local Emergency Planning Committee (LEPC) and Utah Comprehensive Emergency Management.
- ◆ Guided translation of Fire Incident and personnel records into new UT State UFIRS software.
- ◆ Assisted preparation and submittal of FEMA Firefighter Assistant Grant.
- ◆ Performed Fire Prevention outreach activities with Moab public and Grand County Schools.

**Associate, Corrales Volunteer Fire Department, Corrales, New Mexico**

- ◆ Volunteer associate with Village Fire Department
- ◆ Planned, organized, supervised, evaluated Volunteer Training activities. Instructed NFPA Firefighter I skills to Volunteers.
- ◆ Managed Safety Program during live fire training evolutions. Maintained personnel training and staffing records.

**Member, Bernalillo County Fire Department, Albuquerque, New Mexico**

- ◆ Served as Training Officer for District 9. Responsible for training 20 volunteers.
- ◆ Planned, organized, supervised, evaluated District Training activities.
- ◆ Instructed NFPA Firefighter I skills to new volunteer and career Firefighters throughout Bernalillo County.
- ◆ Performed personnel record keeping and regulatory compliance functions as required by NFPA 1500.

**Member, Training Officer, Moab Fire Department, Moab, Utah**

- ◆ Served as Training Officer for Department. Responsible for planning, organizing, supervising, and evaluating all training activities for 45 volunteer firefighters.
- ◆ Performed as Line Firefighter and Fire Lieutenant on volunteer Department rated as one of the best in the State of Utah.
- ◆ Performed fiscal planning, training record keeping, and regulatory compliance, as required by NFPA 1500.
- ◆ Obtained grant funding for capital improvements including replacement fire apparatus and Enhanced 911 dispatching facilities.

- ◆ Prepared necessary support documentation for bonding to acquire real property for expansion of Department facilities.

**LEPC Member, Assistant Director**, Grand County Emergency Management, Moab, Utah

- ◆ Prepared, implemented, and monitored County-wide Emergency Management Plan.
- ◆ Planned, organized, conducted, and reviewed County Emergency Preparedness exercises.
- ◆ Served as member of Grand County Hazardous Materials Committee.
- ◆ Served as member of Grand County Local Emergency Planning Committee.

**Member, Firefighter**, Vale Fire Department, Vale, Oregon

- ◆ Served as Line firefighter assigned to Engine Company.
- ◆ Assisted with Firefighter training and equipment maintenance.

**Commissioner**, Moab Fire District, Moab Utah

- ◆ Responsible, as member of three-person board, for all Fire Prevention and Fire Suppression activities within Moab Fire District.
- ◆ Supervised planning, budgeting, equipment purchase, training and personnel administration.
- ◆ Performed lead role in purchase and construction of new 3000-gallon capacity Tanker/Pumper.
- ◆ Guided expansion and restructuring of District boundaries.
- ◆ Training Officer Moab Fire Department Moab Utah 1988
- ◆ Responsible for planning, scheduling, execution and review of all fire training activities of Department.
- ◆ Developed training program to satisfy all requirements of NFPA 1001.
- ◆ Supervised advancement of numerous Members to levels of Fire Fighter I and II.
- ◆ Planned and supervised several interagency disaster preparedness exercises, emphasizing hazardous materials response.

**Member, Firefighter**, Moab Fire Department, Moab Utah

- ◆ Served as Line Firefighter in Hose Company, Engineer in Truck Company and as Department Training Officer.
- ◆ Prepared necessary documentation for filing with Insurance Services Office to request review and upgrade fire insurance rates.
- ◆ Performed extensive Fire Prevention activities for area schools and community groups.



**Education:**

Bachelor of Science, major in Geology/Geophysics, Prescott College, Prescott, AZ

Graduate Studies include approximately 55 quarter hours of graduate studies in Geology and Geophysics at Western Washington University and Utah State University.

Graduate Teaching Assistant, Geology, Western Washington Univ., 1974.

De La Porte Leadership System Management Skills Curriculum Albuquerque, NM 1994-1996

**Professional Licenses, Certifications:**

- ◆ NFPA - Firefighter II, Instructor II
- ◆ NFPA/UT CEM - Hazardous Materials Operations Level Responder
- ◆ Washington State Board of Licensing - Geologist and Engineering Geologist, License Number 1945

Michael D. Fay has over 30 years experience and has served as a firefighter, EMS director, educator, consultant and publisher.

**Relevant Experience:**

- ◆ President of Animated Data, Inc., the designer and publisher of *NFIRS 5 Alive*. Using standard CFIRS, NFIRS 4 & NFIRS 5 datasets, *NFIRS 5 Alive* quickly performs diagnostic analysis of fire department operations. Outputs are designed for both live and printed presentations.
- ◆ Director of End2End, Inc., publisher of FirePoint RMS Systems for fire departments. Products of the firm include 40 single-user and multi-user client server applications. (Formerly Advanced Command Systems, Inc. Maynard, MA). Mr. Fay is responsible for RMS product development.
- ◆ Senior Associate of Firepro Inc., a fire consulting firm specializing in fire safe building design, forensic reconstruction, and fire department consulting services. Mr. Fay directed fire scene documentation and reconstruction of dozens of large loss fires and co-authored management studies for several city fire departments.
- ◆ Assistant Superintendent and Program Chair for Management Technology of the National Fire Academy, Federal Emergency Management Agency (FEMA). The mission of the National Fire Academy is to enhance the nation's fire protection services through the development and delivery of specialized programs for fire service managers, trainers and technicians. Mr. Fay directed delivery of management training courses in the Resident Programs Division, and he developed and delivered executive development training courses for chief officers of larger departments. He also established the National Fire Academy's microcomputer laboratory. Mr. Fay authored two college-level courses on the use of computer technology in the fire service and was responsible for the development and delivery of a national teleconference on management applications for fire service computers.
- ◆ Field Coordinator, International Association of Fire Chiefs Apprenticeship Program. The IAFC/IAFF Apprenticeship Program developed personnel resources through the establishment of performance standards and local programs of training. Mr. Fay traveled to fire departments nationally to help resolve obstacles to the implementation of enhanced fire fighter, EMT and paramedic training programs and contributed to the development and adoption of national standards for Firefighters and Emergency Medical Technicians (EMTs).
- ◆ Director, Emergency Medical Services and Firefighter for the Amherst, MA Fire Department, was responsible for EMS operations, supervision of EMS personnel, budget preparation and public information programming. He also served as a line firefighter.

**Education:**

- ◆ BA, University of Massachusetts

**Additional Interests:**

- ◆ Licensed amateur radio operator for over 30 years
- ◆ Technical background in wireless communication



## ***CITY COUNCIL STAFF REPORT*** ***FEBRUARY 15, 2006***

**Agenda Item # 5**

**Prepared By:**

\_\_\_\_\_  
**Council Services &  
Records Manager**

**Submitted By:**

\_\_\_\_\_  
**City Manager**

### **RECRUITMENT EFFORTS TO FILL UPCOMING VACANCIES TO BOARDS AND COMMISSIONS; AND EXTEND TERMS OF OFFICE**

#### **RECOMMENDED ACTION(S):**

1. **Establish** February 2006 as recruitment and April 2006 to interview/appoint to fill Vacancies on the Library, Culture & Arts Commission; and Parks & Recreation Commission;
2. **Establish** April 2006 as recruitment and May 2006 to interview/appoint to fill vacancies on the Architectural & Site Review Board (ARB), Mobile Home Rent Stabilization Commission, and Senior Advisory Commission;
3. **Direct** staff regarding questions the Council would like added to the applications, if any; and
4. **Extend** the terms of office for Library, Culture & Arts and Parks & Recreation Commissioners until such time the Council concludes the Interview and Appointment Process; **Directing** the City Clerk to notify the commissioners of their term extension.

#### **EXECUTIVE SUMMARY:**

At the Council's meeting of February 1, 2006, the Council was given the opportunity to review the recruitment, interview and appointment process for upcoming vacancies to the various Boards and Commission. The City Council stated its support of the process. However, it was requested that the interview/appointment process for the Library, Culture & Arts and Parks & Recreation Commissions be deferred to April 2006. Four (4) terms on each of the Library, Culture & Arts Commission and the Parks & Recreation Commission are due to expire on April 1, 2006. Deferral of the interview/appointment process to April 2006 will necessitate extending the terms of office for eight (8) commissioners. Therefore, staff recommends the Council extend the eight (8) Commissioners' terms until such time the Council appoints successors.

Also, at the February 1, 2006 meeting, the Council was given the opportunity to review proposed changes to the various applications for boards and commissions. The City Council did not offer additional changes to the applications. Staff has attached the February 1, 2006 staff report for Council reference.

**FISCAL IMPACT:** The time preparing the staff report is accommodated in the City Clerk's operating budget.



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: February 15, 2006**

### **RESOLUTION OF INTENT TO VACATE A PORTION OF TAYLOR AVENUE AND SETTING TIME AND PLACE FOR THE PUBLIC HEARING**

#### **RECOMMENDED ACTION(S):**

1. Approve the attached Resolution of Intent to vacate a portion of Taylor Avenue, thereby setting March 15, 2006 at 7:00 pm in the Council Chambers at the time and date for the public hearing.
2. Direct City Clerk to publish the Resolution of Intent as required by State Law.

**EXECUTIVE SUMMARY:** On February 5<sup>th</sup>, 2003, the City Council accepted public improvements for Madrone Business Park. Part of those public improvements included modification of the most southerly end of Taylor Avenue from a dead end stub to a standard City cul-de-sac, which resulted in the permanent removal of approximately 88 lineal feet of the street pavement and sidewalk beyond the end of the new cul-de-sac. Since the completion of the public improvements in early 2003, the most southerly portion of Taylor Avenue's right-of-way has remained undeveloped, and there are no future plans to use this right-of-way for street and sidewalk purposes.

Staff has determined that all concerned issues related to the current cul-de-sac configuration of the southerly end of Taylor Avenue have already been addressed through the plan development process and approval of the Madrone Business Park public improvements. Staff is requesting vacation of said area of Taylor Avenue and reserving a storm drain easement over the easterly half of the vacated area for the maintenance of a city storm drain line.

Staff has also requested that all eligible utilities declare their position on this application and has received no opposition to the requested street vacation. In order to avoid the construction of unnecessary public improvements and to minimize public safety concerns. Public Works recommends the adoption of the attached resolution setting a Public Hearing on the matter in accordance with State Law.

**FISCAL/RESOURCE IMPACT:** Processing fees have been paid.

**Agenda Item # 6**

**Prepared By:**

**Assistant Engineer**

**Approved By:**

**Public Works Director**

**Submitted By:**

**City Manager**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MORGAN HILL DECLARING ITS INTENTION TO VACATE A  
PORTION OF THE PUBLIC STREET KNOWN AS TAYLOR  
AVENUE AND SETTING TIME AND PLACE FOR PUBLIC  
HEARING.**

**WHEREAS**, the Director of Public Works of the City of Morgan Hill has recommended that the hereinafter described public street segment is no longer needed for public roadway use; and

**WHEREAS**, the Director of Public Works has filed a plat and legal description with the City Clerk of the City of Morgan Hill showing said vacation; and

**WHEREAS**, the City wants to vacate and quitclaim the portion shown to the respective property owners; and

**WHEREAS**, the City wants to reserve a Storm Drain Easement over the easterly portion of the vacation area; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Morgan Hill that:

**SECTION 1:** The City Council of the City of Morgan Hill declares its intention to proceed in accordance with the provisions of Part 3, Division 9 of the Streets and Highways Code of the State of California (commencing with §8300) pertaining to the vacation of public highways and easements to vacate and abandon a public street. Said portion of real property and the related public street are described in:

**APN 726-36-61:**

Exhibit "A": Legal Description for Vacation of Right-of-Way from City of Morgan Hill to George Merlano, a Married Man, and His Sole and Separate Property

Exhibit "B": Plat to Accompany Legal Description for Vacation of Right-of-Way from City of Morgan Hill to Lands of George Merlano

Quitclaim Deed: City of Morgan Hill quitclaim to George Merlano

**APN 726-36-059:**

Exhibit "A": Legal Description for Vacation of Right-of-Way from City of Morgan Hill to Investment Enterprises, a Co-Partnership

Exhibit "B": Plat to Accompany Legal Description for Vacation of Right-of-Way from City of Morgan Hill to Lands of Investment Enterprises

Quitclaim Deed: City of Morgan Hill quitclaim to Investment Enterprises

also attached hereto and incorporated herein by reference.

**SECTION 2:** The City Council may determine at the close of the public hearing that the public convenience, benefit and necessity no longer require the City to hold the above-described public street. The City Council may also find that the public convenience, benefit and necessity do require the reservation of a public utility easement in said property, with access thereto for maintenance of utilities.

**SECTION 3:** Reference is made to the maps and plans which are filed in the Office of the City Clerk of the City of Morgan Hill for further particulars as to the proposed vacation of the public street.

**SECTION 4:** A public hearing shall be held on the vacation of the public street on March 15, 2006 at 7:00 P.M. in the Council Chambers of the City of Morgan Hill at 17555 Peak Avenue, Morgan Hill, California. All persons interested in or objecting to the proposed vacation will be heard. Said hearing may be postponed or continued.

**SECTION 5:** The Director of Public Works is directed to post or cause to be posted at least fourteen (14) days before the day set for hearing not less than three (3) notices of vacation of a portion of Taylor Avenue, not more than three hundred (300) feet apart, conspicuously along the lines of said portion of street right-of-way wherein said right-of-way is proposed to be vacated, stating adoption of this Resolution and the time and place of the hearing herein called. Posting of a copy of this Resolution shall constitute the posting of the required notice.

**SECTION 6:** The City Clerk is directed to cause a copy of this Resolution to be published once each week for two (2) successive weeks in the official newspaper of the City of Morgan Hill within fifteen (15) days after adoption of this Resolution.

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Regular Meeting held on the 15<sup>th</sup> day of February 2006 by the following vote:

**AYES:            COUNCIL MEMBERS:**  
**NOES:           COUNCIL MEMBERS:**  
**ABSENT:        COUNCIL MEMBERS:**  
**ABSTAIN:       COUNCIL MEMBERS:**

#### **CERTIFICATION**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_ adopted by the City Council at the Regular City Council Meeting of February 15<sup>th</sup>, 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**



**J. Edward Tewes, City  
Manager**





## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: February 15, 2006**

Agenda Item #8

Prepared By:

Deputy City Clerk

Approved By:

City Clerk

Submitted By:

City Manager

### **ADOPT ORDINANCE NO. 1754, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1733, NEW SERIES, AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION MP 02-06: EAST DUNNE-DEMPSEY (DELCO) ALLOWING FOR A SIX MONTH EXTENSION OF TIME FOR SUBMITTING AND OBTAINING BUILDING PERMITS FOR 8 ALLOCATIONS RECEIVED IN THE 2003 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) COMPETITION. (APNS 817-11-067 & 817-11-072)**

### **RECOMMENDED ACTION(S):**

**Waive** the Reading, and **Adopt** Ordinance No. 1754, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived.

### **EXECUTIVE SUMMARY:**

On February 1, 2006, the City Council Introduced Ordinance No. 1754, New Series, by the Following Roll Call Vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.

### **FISCAL IMPACT:**

No budget adjustment required.

## **ORDINANCE NO. 1754, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1733, NEW SERIES, AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION MP 02-06: EAST DUNNE-DEMPSEY (DELCO) ALLOWING FOR A SIX MONTH EXTENSION OF TIME FOR SUBMITTING AND OBTAINING BUILDING PERMITS FOR 8 ALLOCATIONS RECEIVED IN THE 2003 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) COMPETITION. (APNS 817-11-067 & 817-11-072)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council has adopted Resolution No. 4028 establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Municipal Code.

**SECTION 2.** The California Government Code Sections 65864 thru 65869.5 authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property.

**SECTION 3.** The Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded 8 building allotments for FY 2005-06, to that certain project herein after described as follows:

<u>Project</u>	<u>Total Dwelling Units</u>
MP-02-06: E. Dunne-Dempsey (Delco)	36

**SECTION 4.** References are hereby made to certain Agreements on file in the office of the City Clerk of the City of Morgan Hill.

These documents to be signed by the City of Morgan Hill and the property owner set forth in detail and development schedule, the types of homes, and the specific restrictions on the development of the subject property. Said Agreement herein above referred to is amended by this ordinance and shall be binding on all future owners and developers as well as the present owners of the lands, and any substantial change can be made only after further public hearings before the Planning Commission and the City Council of this City.

**SECTION 5.** The City Council hereby finds that the development agreement amendment approved by this ordinance is compatible with the goals, objectives, policies, and land uses designated by the General Plan of the City of Morgan Hill.

**SECTION 6.** Authority is hereby granted for the City Manager to execute all development agreements approved by the City Council during the Public Hearing Process.

**SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 8.** Effective Date Publication. This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

**SECTION 9.** MODIFICATION TO DEVELOPMENT SCHEDULE. The Council hereby approves an amendment to the development schedule for MP-02-06: E. Dunne-Dempsey (Delco); attached to this resolution as Exhibit B.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the 1<sup>st</sup> Day of February 2006, and was finally adopted at a regular meeting of said Council on the Day of February 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES:**           **COUNCIL MEMBERS:**  
**NOES:**           **COUNCIL MEMBERS:**  
**ABSTAIN:**   **COUNCIL MEMBERS:**  
**ABSENT:**       **COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Irma Torrez, City Clerk**

\_\_\_\_\_  
**Dennis Kennedy, Mayor**

**∞ CERTIFICATE OF THE CITY CLERK ∞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1754, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of February 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE:\_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

**Development Agreement Amendment DAA 04-01: Tilton-Glenrock**

**REVISED EXHIBIT "B"**  
**DEVELOPMENT SCHEDULE**

**MP-02-06: E. DUNNE – DEMPSEY / MC-04-12: E. DUNNE - DELCO**  
**FY 2005-2006 (8 units) 2006-07 (13 units), FY 2007-08 (5 units), FY 2008-09 (8 units)**

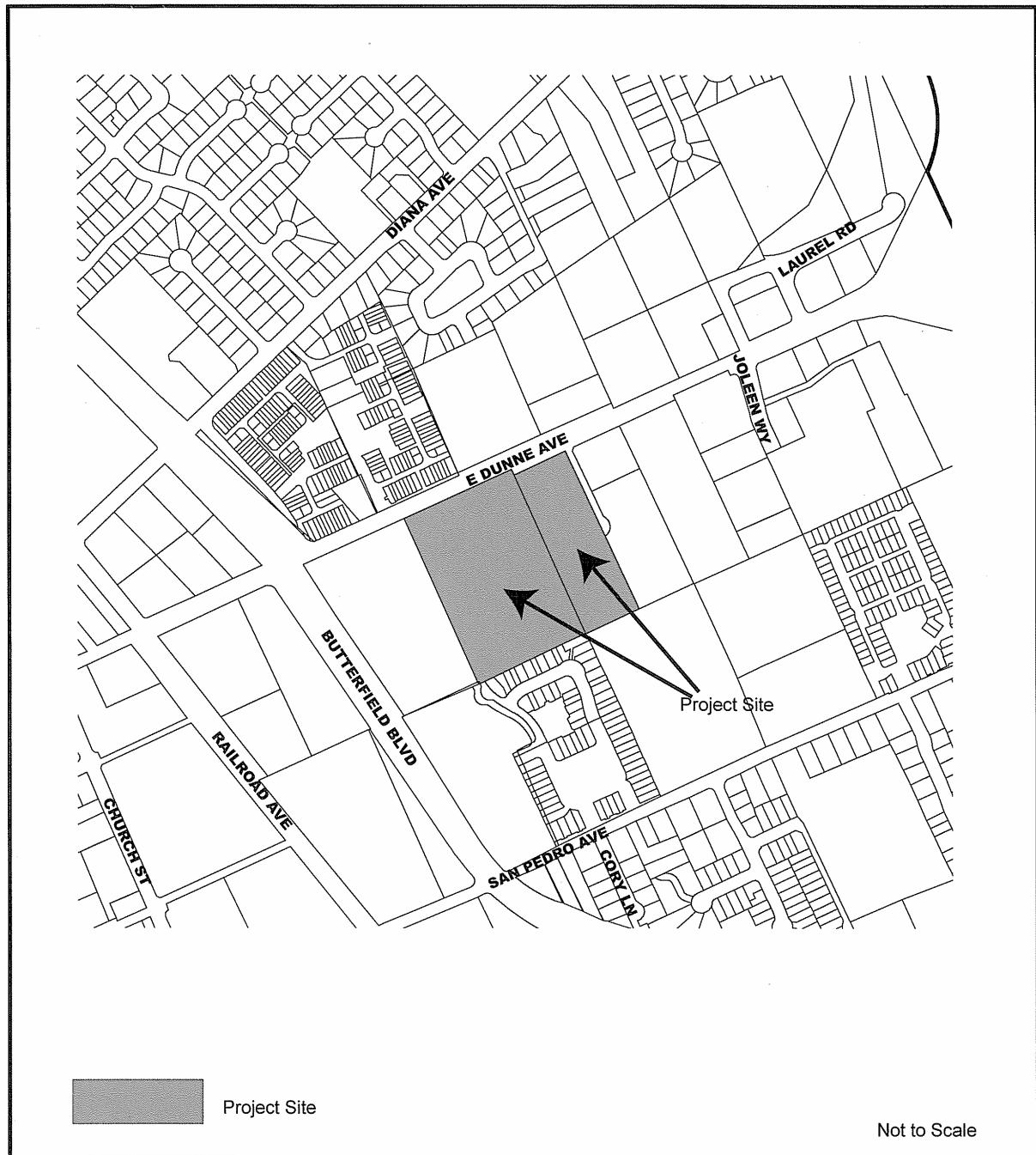
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<b>I.</b>	<b>SUBDIVISION AND ZONING APPLICATIONS</b>		
	Applications Filed:		October 14, 2004
<b>II.</b>	<b>SITE REVIEW APPLICATION</b>		
	Application Filed:		October 14, 2004
<b>III.</b>	<b>FINAL MAP SUBMITTAL</b>		
	Map, Improvements Agreement and Bonds:		
	FY 2005-06 (8 units)		July 30, 2005
	FY 2006-07 (13 units)		July 30, 2006
	FY 2007-08 (5 units)		July 30, 2007
	FY 2008-09 (8 units)		July 30, 2008
<b>IV.</b>	<b>BUILDING PERMIT SUBMITTAL</b>		
	Submit plans to Building Division for plan check:		
	FY 2005-06 (8 units)	<i>February 15, 2006</i>	<del>August 15, 2005</del>
	FY 2006-07 (13 units)		August 15, 2006
	FY 2007-08 (5 units)		August 15, 2007
	FY 2008-09 (8 units)		August 15, 2008
<b>V.</b>	<b>BUILDING PERMITS</b>		
	Obtain Building Permits		
	FY 2005-06 (8 units)	<i>May 15, 2006</i>	<del>September 30, 2005</del>
	FY 2006-07 (13 units)		September 30, 2006
	FY 2007-08 (5 units)		September 30, 2007
	FY 2008-09 (8 units)		September 30, 2008
	Commence Construction:		
	FY 2005-06 (8 units)		June 30, 2006
	FY 2006-07 (13 units)		June 30, 2007
	FY 2007-08 (5 units)		June 30, 2008
	FY 2008-09 (8 units)		June 30, 2009

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 17 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.



CITY OF MORGAN HILL  
Prepared by Community Development Department

VICINITY MAP  
ZA-04-21 / SD-04-17 / DA-04-09:  
E. DUNNE-DELCO  
APNS 817-11-067 & 072





## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: February 15, 2006**

**Agenda Item # 9**

**Prepared By:**

**Deputy City Clerk**

**Approved By:**

**City Clerk**

**Submitted By:**

**City Manager**

### **ADOPT ORDINANCE NO. 1755, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH AN R-2 3,500/RESIDENTIAL PLANNED DEVELOPMENT ON A 7.5 ACRE SITE LOCATED ON THE NORTH SIDE OF EAST CENTRAL AVENUE AT THE NORTHERLY TERMINATION OF CALLE MAZATAN. (APN 726-26-004)**

### **RECOMMENDED ACTION(S):**

**Waive** the Reading, and **Adopt** Ordinance No. 1755, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived.

### **EXECUTIVE SUMMARY:**

On February 1, 2006, the City Council Introduced Ordinance No. 1755, New Series, by the Following Roll Call Vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.

### **FISCAL IMPACT:**

None. Filing fees were paid to the City to cover the cost of processing this application.

## **ORDINANCE NO. 1755, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH AN R-2 3,500/RESIDENTIAL PLANNED DEVELOPMENT ON A 7.5 ACRE SITE LOCATED ON THE NORTH SIDE OF EAST CENTRAL AVENUE AT THE NORTHERLY TERMINATION OF CALLE MAZATAN. (APN 726-26-004)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.

**SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

**SECTION 3.** An environmental initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A mitigated Negative Declaration will be filed.

**SECTION 4.** The City Council finds that the proposed R-2 RPD Overlay District is consistent with the criteria specified in Chapter 18.18 of the Morgan Hill Municipal Code.

**SECTION 5.** The City Council hereby amends the City Zoning Map as shown in attached Exhibit "A".

**SECTION 6.** The City Council hereby approves the precise development plan as contained in that certain series of documents dated December 13, 2005 (date of receipt by the Community Development Department) on file in the Community Development Department, entitled "Viento Site Development Plan" prepared by MH Engineering. These documents, as further amended by site and architectural review, show the exact location and sizes of all lots in this development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, recreational amenities, parking areas, landscape areas and any other purposeful uses on the project. The precise development plan shall be amended as follows:

(1) A phasing plan shall be reviewed and approved by staff which: 1) clearly defines phases I as 19 units consisting of lots 1-18 & 20, phase II as 5 units consisting of lots 21-25 and phase III, 15 units consisting of lots 19, 26-39. 2) Provides 3 BMRs and 2 moderate rate units in Phase I, zero BMR and 1 moderate in phase II, and 3 BMRs and 1 moderate in phase III; and 3) Clearly indicates the limits and improvements proposed within each phase.

(2) Each of the six floor plans shall have a minimum of 2 elevations with repeats of 4 or less. All floor plans & elevation shall be reviewed by the Architectural and Site Review Board (ARB) prior to final map approval. A site plan shall be provided to the ARB indicating where each model and elevation will be used.

(3) The project shall provide 50 percent of the units as ones with either side-loading, detached, rear or two car garages with tandem space to accommodate a third vehicle.

**SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 8.** Effective Date Publication. This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the 1<sup>st</sup> Day of February 2006, and was finally adopted at a regular meeting of said Council on the Day of February 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES:**           **COUNCIL MEMBERS:**  
**NOES:**           **COUNCIL MEMBERS:**  
**ABSTAIN:**   **COUNCIL MEMBERS:**  
**ABSENT:**       **COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Irma Torrez, City Clerk

\_\_\_\_\_  
Dennis Kennedy, Mayor

∞ **CERTIFICATE OF THE CITY CLERK** ∞

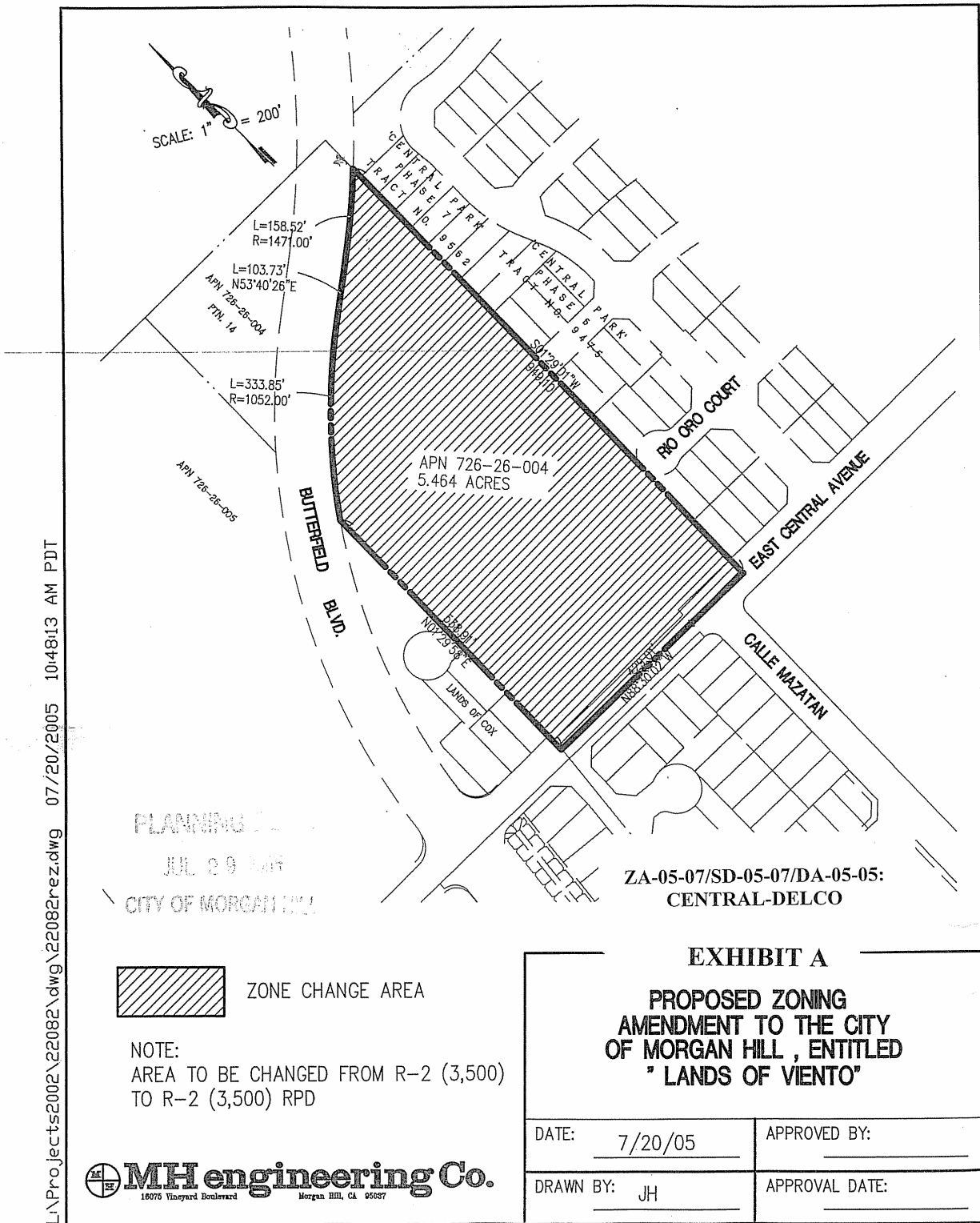
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1755, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of February 2006.

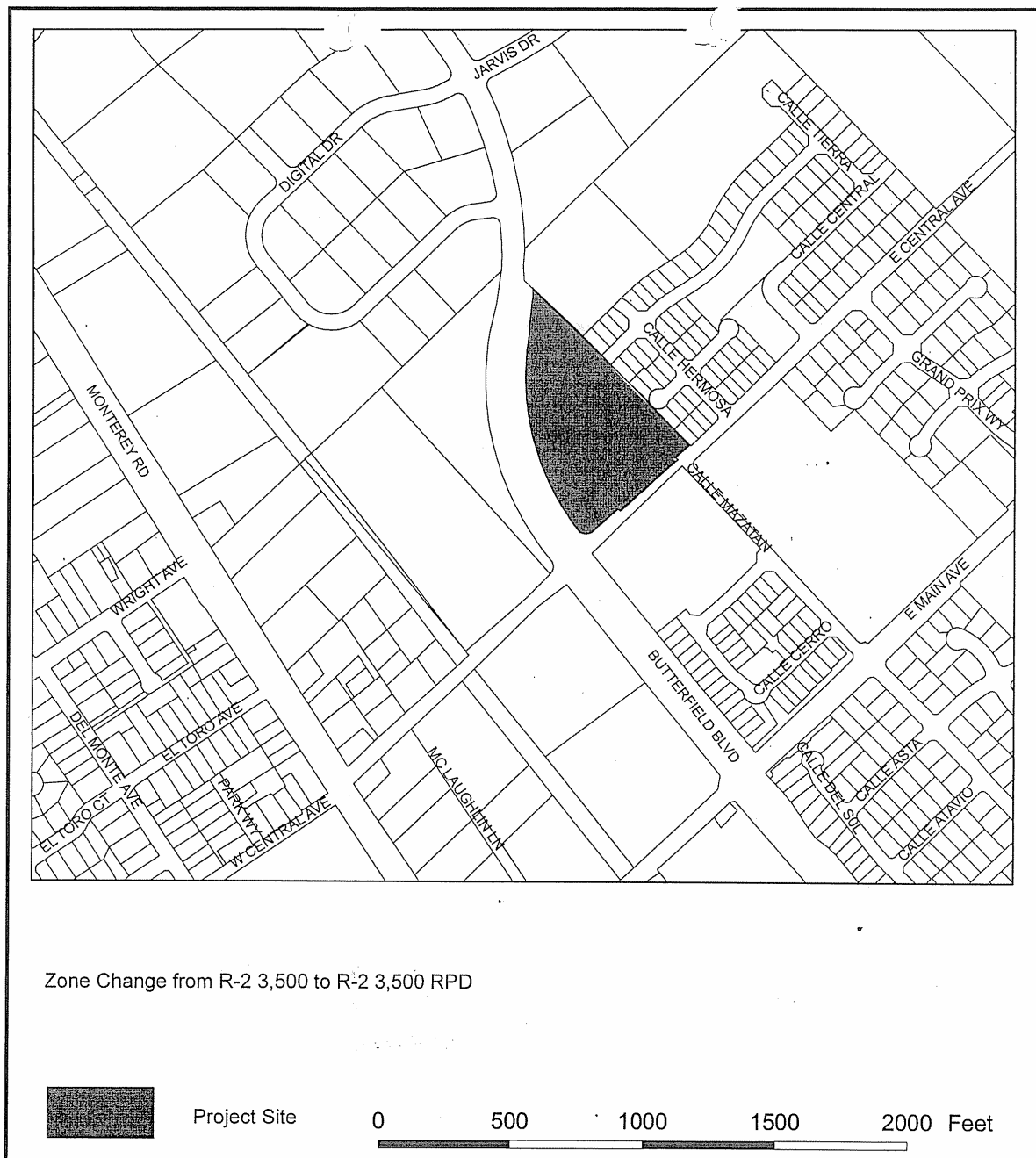
**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE:\_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**







CITY OF MORGAN HILL  
Prepared by Community Development Department

## VICINITY MAP

ZA-05-07: Central-Delco



R:\PLANNING\Maps\Illustrator maps\Vicinity Maps\ZA-05-07 Central-Delco.pdf



## ***CITY COUNCIL STAFF REPORT***

***MEETING DATE: February 15, 2006***

**Agenda Item #10**

**Prepared By:**

**Deputy City Clerk**

**Approved By:**

**City Clerk**

**Submitted By:**

**City Manager**

### **ADOPT ORDINANCE NO. 1756, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT APPLICATION DA-05-05 FOR APPLICATION MP 04-14: CENTRAL-HU (DELCO) (APN 726-26-004)**

### **RECOMMENDED ACTION(S):**

**Waive** the Reading, and **Adopt** Ordinance No. 1756, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived.

### **EXECUTIVE SUMMARY:**

On February 1, 2006, the City Council Introduced Ordinance No. 1756, New Series, by the Following Roll Call Vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.

### **FISCAL IMPACT:**

None. Filing fees were paid to the City to cover the cost of processing this application.

## **ORDINANCE NO. 1756, NEW SERIES**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT APPLICATION DA-05-05 FOR APPLICATION MP 04-14: CENTRAL-HU (DELCO) (APN 726-26-004)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The City Council has adopted Resolution No. 4028 establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Municipal Code.

**SECTION 2.** The California Government Code Sections 65864 thru 65869.5 authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property.

**SECTION 3.** The Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded building allocations for fiscal years 2006-2007 thru 2008-2009 to that certain project herein after described as follows:

<u>Project</u>	<u>Total Dwellings</u>
MP 04-14: Central-Hu	FY 2006-07 (19 units)
	FY 2007-08 (5 units)
	FY 2008-09 (15 units)

**SECTION 4.** References are hereby made to certain Agreements on file in the office of the City Clerk of the City of Morgan Hill. These documents to be signed by the City of Morgan Hill and the property owner set forth in detail and development schedule, the types of homes, and the specific restrictions on the development of the subject property. Said Agreement herein above referred to shall be binding on all future owners and developers as well as the present owners of the lands, and any substantial change can be made only after further public hearings before the Planning Commission and the City Council of this City.

**SECTION 5.** The City Council hereby finds that the development proposal and agreement approved by this ordinance is compatible with the goals, objectives, policies, and land uses designated by the General Plan of the City of Morgan Hill.

**SECTION 6.** Authority is hereby granted for the City Manager to execute all development agreements approved by the City Council during the Public Hearing Process.

**SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 8.** Effective Date Publication. This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the 1<sup>st</sup> Day of February 2006, and was finally adopted at a regular meeting of said Council on the Day of February 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Irma Torrez, City Clerk

\_\_\_\_\_  
Dennis Kennedy, Mayor

**∞ CERTIFICATE OF THE CITY CLERK ∞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1756, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of February 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE:** *February 15, 2006*

### **USE OF THE FLOATING DATE FOR A GENERAL PLAN AMENDMENT REQUEST INVOLVING A VACANT 2.66 ACRE PARCEL ADJACENT TO AND NORTHERLY OF THE WALNUT GROVE DRIVE/LAUREL ROAD INTERSECTION**

#### **RECOMMENDED ACTION(S):**

Direct Staff to utilize the floating date, if necessary, for a General Plan Amendment request involving a 2.66 acre vacant parcel adjacent to and northerly of the Walnut Grove Drive/Laurel Road intersection.

#### **EXECUTIVE SUMMARY:**

City Council policy establishes a schedule for consideration of major land use planning decisions which are reviewed on an annual basis. The policy provides that General Plan Amendment requests would be considered by the City Council during the months of April and October. The policy establishes December 1 as the filing deadline for the April General Plan review and June 1 as the filing deadline for the October General Plan review. The policy also allows a third floating date to be established upon initiation of the City Council or Planning Commission.

Recently, the Business Assistance and Housing Services Department (BAHS) has been in contact with a representative of *Trader Joe's* who is interested in constructing a 12,000 square foot store on a vacant lot north of the intersection of Walnut Grove Drive and Laurel Road. The 2.66 acre parcel currently has a Multi-Family Low (5-14 du/ac) General Plan designation and is zoned R2-3,500 (Medium Density Residential). The proposed project requires a General Plan Amendment to a Commercial land use designation and a rezoning to CG (General Commercial). BAHS has filed an application for the General Plan and Zoning amendments to facilitate this project. Please note, however, that the real estate transaction between the property owner and *Trader Joe's* has not been finalized.

The *Trader Joe's* representative expressed a desire to complete construction by Thanksgiving of this year. While it may be possible for the General Plan amendment to be heard by the City Council in April, it's not an absolute certainty since the applicant will need to submit plans with a sufficient level of detail to complete the environmental review process. An October City Council meeting will not give the applicant enough time to complete construction by Thanksgiving. Given the importance of this General Plan Amendment from an economic development standpoint, staff recommends that the City Council utilize the floating date for this project, if necessary.

#### **FISCAL IMPACT:**

No budget adjustment required.

**Agenda Item # 11**

**Prepared By:**

\_\_\_\_\_  
**Senior Planner**

**Approved By:**

\_\_\_\_\_  
**Community  
Development Director**

**Submitted By:**

\_\_\_\_\_  
**City Manager**



## ***CITY COUNCIL/RDA STAFF REPORT***

***MEETING DATE: February 15, 2006***

**Agenda Item # 12**

**Prepared By:**

**Tina M. Reza**

**Approved By:**

**Jack Dilles**

**Finance Director**

**Submitted By:**

**City Manager**

### **RESOLUTIONS TO AUTHORIZE THE DEPOSIT AND WITHDRAWAL OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND**

#### **RECOMMENDED ACTION(S):**

**City Council:** Adopt resolution authorizing officers/employees, and their successors, to deposit and withdraw monies in the Local Agency Investment Fund.

**Redevelopment Agency:** Adopt resolution authorizing officers/employees, and their successors, to deposit and withdraw monies in the Local Agency Investment Fund.

#### **EXECUTIVE SUMMARY:**

The City of Morgan Hill and the Morgan Hill Redevelopment Agency currently deposit and withdraw monies in the Local Agency Investment Fund operated by the State Treasurer's office. Resolutions are required designating certain positions as authorized to make deposits and withdrawals to the fund. The resolutions on file are outdated (1977 and 1984 respectively) and need to be updated. The resolutions attached designate the City Treasurer, the Finance Director and the Assistant Finance Director to act on behalf of the City; and the Executive Director, the Finance Director and Assistant Finance Director to act on behalf of the Redevelopment Agency to deposit and withdraw monies with the Local Agency Investment Fund.

#### **FISCAL IMPACT:**

There is no fiscal impact in adopting the resolutions.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MORGAN HILL AUTHORIZING INVESTMENT OF FUNDS  
IN THE LOCAL AGENCY INVESTMENT FUND (LAIF).**

**WHEREAS**, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

**WHEREAS**, the City Council of the City of Morgan Hill does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of the City of Morgan Hill.

**THEREFORE, BE IT RESOLVED** that the City Council of the City of Morgan Hill does hereby authorize the deposit and withdrawal of City of Morgan Hill monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information in that regard.

**BE IT FURTHER RESOLVED** that the following City of Morgan Hill officers and employees, **or their successors**, shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

City Treasurer :                      Michael J. Roorda                      \_\_\_\_\_

Finance Director:                      Jack Dilles                      \_\_\_\_\_

Assistant Finance Director:      Tina M. Reza                      \_\_\_\_\_

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Regular Meeting held on the 15<sup>th</sup> Day of February, 2006 by the following vote.

**AYES:                      COUNCIL MEMBERS:**  
**NOES:                     COUNCIL MEMBERS:**  
**ABSTAIN:                COUNCIL MEMBERS:**  
**ABSENT:                 COUNCIL MEMBERS:**



**🏛️ CERTIFICATION 🏛️**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA**, do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City Council at a Regular Meeting held on February 15, 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

**RESOLUTION NO. MHRA-**

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF MORGAN HILL AUTHORIZING  
INVESTMENT OF FUNDS IN THE LOCAL AGENCY  
INVESTMENT FUND (LAIF).**

**WHEREAS**, Pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

**WHEREAS**, the Redevelopment Agency of the City of Morgan Hill does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of the City of Morgan Hill.

**THEREFORE, BE IT RESOLVED** that the Redevelopment Agency of the City of Morgan Hill does hereby authorize the deposit and withdrawal of Redevelopment Agency monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information in that regard.

**BE IT FURTHER RESOLVED** that the following City of Morgan Hill officers and employees, **or their successors**, shall be authorized to order the deposit or withdrawal of monies on behalf of the Redevelopment Agency of the City of Morgan Hill in the Local Agency Investment Fund:

Executive Director: J. Edward Tewes \_\_\_\_\_

Finance Director: Jack Dilles \_\_\_\_\_

Assistant Finance Director: Tina M. Reza \_\_\_\_\_

**PASSED AND ADOPTED** by the Morgan Hill Redevelopment Agency at a Special Meeting held on the 15<sup>th</sup> Day of February, 2006 by the following vote:

**AYES:**           **AGENCY MEMBERS:**  
**NOES:**       **AGENCY MEMBERS:**  
**ABSTAIN:**   **AGENCY MEMBERS:**  
**ABSENT:**     **AGENCY MEMBERS:**

**🏛️ CERTIFICATION 🏛️**

I, **IRMA TORREZ, AGENCY SECRETARY**, do hereby certify that the foregoing is a true and correct copy of Resolution No. MHRA- adopted by the Morgan Hill Redevelopment Agency at a Special Meeting held on February 15, 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ**  
**AGENCY SECRETARY**

**CITY OF MORGAN HILL  
JOINT SPECIAL CITY COUNCIL AND  
SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES – JANUARY 20, 2006**

**CALL TO ORDER**

Mayor/Chairman Kennedy called the special meeting to order at 8:00 a.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Grzan, Sellers, Tate and Mayor/Chairman Kennedy

**DECLARATION OF POSTING OF AGENDA**

The meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the floor to public comment for items not appearing on the agenda. No comments were offered.

***City Council and Redevelopment Agency Action***

**1) GOAL SETTING WORKSHOP**

The Council/Agency Board reviewed the accomplishments of the past year. The Council/Agency Board discussed possible goals and projects for 2006.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

No items were identified.

**ADJOURNMENT**

Mayor/Chairman Kennedy adjourned the meeting at 5:10 p.m. to Saturday, January 21, 2006, 9:00 a.m. to continue discussion of proposed 2006-goals.

**MINUTES RECORDED PREPARED BY:**

---

**IRMA TORREZ, CITY CLERK/AGENCY SECRETARY**

**CITY OF MORGAN HILL  
JOINT SPECIAL CITY COUNCIL AND  
SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES – JANUARY 21, 2006**

**CALL TO ORDER**

Mayor/Chairman Kennedy called the special meeting to order at 9:00 a.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Grzan, Sellers, Tate and Mayor/Chairman Kennedy

**DECLARATION OF POSTING OF AGENDA**

The meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the floor to public comment for items not appearing on the agenda. No comments were offered.

***City Council and Redevelopment Agency Action***

**1) GOAL SETTING WORKSHOP**

The City Council/Agency Board continued their discussion of proposed goals for 2006. Staff was asked to draft proposed policy and goal statements to be reviewed by the Council at an adjourned meeting to be held on Wednesday, February 25, 2006.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

No items were identified.

**ADJOURNMENT**

There being no further business Mayor/Chairman Kennedy adjourned the meeting at 12:30 p.m. to Wednesday, January 25, 2006, 7:00 p.m.

**MINUTES RECORDED PREPARED BY:**

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**IRMA TORREZ, CITY CLERK/AGENCY SECRETARY**

**CITY OF MORGAN HILL  
ADJOURNED SPECIAL CITY COUNCIL  
AND SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES – JANUARY 25, 2006**

**CALL TO ORDER**

Mayor/Chairman Kennedy called the special meeting to order at 9:05 p.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Grzan, Sellers, Tate and Mayor/Chairman Kennedy

**DECLARATION OF POSTING OF AGENDA**

The meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**CONTINUATION OF GOAL SETTING**

City Manager Tewes distributed the draft 2006 goals to the City Council. The question before the Council is how to convert the discussions of the weekend into a formal statement of policies and goals for 2006. He also distributed his notes from the retreat and recommended that the Council review his notes to confirm whether he has captured the gist of the Council's major discussions. He requested that the Council identify dates for accomplishing the draft goals. He addressed the goals identified by the Council.

Council Member Sellers stated that a possibility exists that CYSA may not be in Morgan Hill long term. He indicated that the Council would entertain any proposals or ideas CYSA representatives may have on how they might continue to be a long term part of the community. He noted that the CYSA organization is a significant asset to the community and brings in revenue, kids and other residual benefits. He felt it important to state the City would like to have CYSA stay within the community.

Council Member Carr clarified that the Council's goal remains for outdoor youth sports/recreation for the 38 acres. The City should continue to work with CYSA to find a way for them to remain within the community.

Council Member Sellers noted that one goal pertains to artificial fields based on economics and encouragement of alternative uses.

Mayor Kennedy concurred with the addition of a statement that stipulates the City would continue to work/dialogue with CYSA in order to retain the organization within the community.

Mayor Pro Tempore Grzan stated that the City spent \$7 million on a piece of property to which few, if any, of Morgan Hill residents get to use; benefiting local hotel owners. He noted that this is not the

stated reason the property was purchased. He felt the stated goal for this property is to get as many Morgan Hill youth on the property, as possible. He said that CYSA is part of this goal, but cannot be a hinderance to this goal. He recommended the City take the property and convert it into artificial fields; possibly taking out some of the tournament luster. He stated that he was not interested in purchasing additional property to satisfy CYSA's need for a certain number of fields.

Council Member Tate felt that CYSA may be able to figure out a way to purchase additional properties.

Council Member Carr recommended the Council confirm the original goal as to the reasons for the purchase of the property. However, this does not mean that CYSA should leave the community.

Mayor Pro Tempore Grzan felt that CYSA representatives could work with the City as the Council utilizes the property as originally intended.

Council Member Sellers concurred that the goal was not to turn the property over to a third party. He noted that when the City was able to acquire the property; the Council was not in a position to turn it into an outdoor sports complex. He indicated that it was the Council's choice to allow CYSA to either use the property, or let the property go fowl. Given the choices, it made sense to allow CYSA to use of the property. As the City is now ready to move forward with the land, he does not know if it made sense to allow CYSA to use the property.

Council Member Carr indicated that the word "exclusive" stands out.

City Manager Tewes indicated that CYSA would like exclusive use of the grass fields; excluding community use. It was the Council's policy determination to start building some fields that can be used by the community and CYSA, in terms of artificial turfs. He did not believe that CYSA would be interested in the interim use of the facility unless they had exclusive use of the turf fields.

Council Member Sellers noted that it would not be in the City's best interest for CYSA to leave the area early.

The Council concurred with the third bullet point as follows: The City will continue to dialogue with CYSA about their long term commitment to Morgan Hill.

Council Member Carr did not believe that this third bullet point has anything to do with the 38 acres.

City Manager Tewes clarified that this bullet point is about other opportunities at other locations.

Council Member Sellers referred to the first page that discusses the Downtown Plan Implementation issues. He noted that this item directs the Community & Economic Development Committee to report in April 2006. It was his suggestion that a communication and marketing plan be created that would inform and educate the downtown community and the entire community. He recommended the Council state what it is informing individuals about, as opposed to just educating people in general. He recommended

that focus be on the City's economic development efforts or successes; pointing out what the City has done.

Mayor Pro Tempore Grzan indicated that the Council discussed this evening the work of the Public Safety & Community Services Committee. He inquired whether the Council would like to realign some of the responsibilities of the other Committees. For example, does, the Council want to transfer public safety to the Utilities & Environment Committee to better balance the committees?

Council Member Tate noted that at the retreat, the Council admitted that the committees were not balanced based on what is taking place at this time. However, the Council felt that the Committee's work would level off.

Council Member Carr indicated that within the first six months of 2006, the Public Safety & Community Services Committee would complete work on the recreation items.

Council Member Tate indicated that the Council talked about informing the community about a wide range of items that was not specific to economic development.

City Manager Tewes noted that it was indicated that there were already plans to proceed with community outreach on the Redevelopment Agency (RDA) as part of an RDA extension process. He said that there would also be communication about something specific to the downtown.

Council Member Tate said that it was his recollection that the City would produce a series of communications on the downtown after the 3-4 newspaper articles on the Community Conversation.

Mayor Kennedy addressed the Council's meeting schedule; indicating that it was his belief that the Council agreed to hold two meetings per month, with a third possible meeting.

Interim City Attorney Siegel stated that it was his proposal that the Council hold two meetings per month. However, it was the consensus of the Council that it would hold three meetings per month. All Council meetings would be regular meetings. Therefore, the issue about when ordinances are passed/adopted would be eliminated. Staff would endeavor to cancel light meeting agendas.

Council Member Tate indicated that the recommendation to cancel one of the three meetings would be a reaction to a short agenda.

City Manager Tewes pointed out that one of the decisions was made to make all current Council and Redevelopment meetings; joint meetings. He stated that this has the potential of having to post a meeting of cancellation should a regular meeting be scheduled. If there are no RDA items to be considered in any given meeting, this has created a City workload issue.

Interim City Attorney Siegel stated that either a regular meeting would need to be cancelled, or that the Council/RDA includes standing RDA items. It was his belief that there would be more comments on the RDA in 2006 than in past years.



Council Member Carr noted that there would generally be an item on both the RDA/Council meeting minutes at each meeting.

Council Member Sellers noted that more often than not, RDA items are placed on the regular Council meetings.

City Manager Tewes said that if and when the Redevelopment Agency is extended, the Agency Board will have a lot of RDA business.

Interim City Attorney Siegel indicated that if in 6-9 months the Council finds that the three regular meetings per month are not working; the Council can change its meeting schedule.

Mayor Kennedy referred to the second page regarding the Indoor Recreation Center. The goal directs the Public Safety and Community Services Committee to report back on the operation of the Indoor Recreation Center. It was his belief that there was more to this goal than what is stated.

Council Member Carr stated that the Committee would evaluate only the partnership model. He felt the question will be whether the Council will be authorizing staff to go out and negotiate the terms for a partnership. He noted that the Council is not negotiating the terms for a partnership and that it is not conducting contractual negotiations. The Council would be looking at the pros and cons for a partnership model.

City Manager Tewes informed the Council that staff has begun discussing how staff can provide information and analysis to assist the Committee in the first instance and the Council ultimately in this regard; recognizing the Council would like to know the alternatives. He said that it would be difficult, at this stage of the game, to go out and have City staff develop a competing municipal services model compared to the membership model. He suggested the Council leave constant the notion that there is a membership model being proposed. What needs to be evaluated are the implications of the membership model and the implications of an indoor recreation center operated by the City. He noted the Council reviewed the comparison between the membership model and the city municipal recreation model 2-3 years ago.

Mayor Kennedy indicated that a goal would be to make a decision on the indoor recreation center's operational model on February 15.

Mayor Pro Tempore Grzan inquired whether the operational model report would be made available to the Parks & Recreation Commission prior to the Council receiving the report.

City Manager Tewes indicated that the Parks & Recreation Commission (PRC) previously reviewed a report for a recreation model; and that on a split vote, the Council agreed with the Parks & Recreation Commission. However, the Council directed that staff find a way for the YMCA to be involved. In working with the YMCA, they indicated that they would not be involved if it is a contract; but would be involved if it is a membership model. However, a hybrid membership model is on the table at this time.

Council Member Carr said that it will be hard for the Committee to get a recommendation to the Council by February 15, let alone any other type of review process before this date.

Council Member Sellers noted that the Council has past comments by the Parks & Recreation Commission on the operational model.

Mayor Pro Tempore Grzan said that when he first came on board as a Council member, he recommended that the Council make better use of existing commissions and committees. He felt the PRC and the Council are aligned for having the opportunity to review the new model. Setting this deadline would take this opportunity away from the PRC. He felt that they are a capable group and he values their input. He felt that the PRC would like to weigh in on the decision making process.

Council Member Sellers said that the big decisions the Council has to make are the core financial decisions that include operations and programming.

Council Member Carr stated that he would hesitate to ask any of the Council's commission to comment on what a Council subcommittee has been tasked to do: coming up with a recommendation.

Mayor Pro Tempore Grzan questioned whether the Council subcommittees were taking away the duties and responsibilities of what the commissions should be dealing with.

Mayor Kennedy noted that the Council has the report the PRC put together at the time they reviewed the models.

Council Member Carr noted that what was asked of the PRC is what is being worked on at this time. What is not on the table this evening is if the Council should go back and look at the recommendation of the PRC, when they were asked about a purely YMCA model versus a purely municipal model. He did not know if the comparison conducted by the PRC would be helpful.

Council Member Sellers felt this was a decision the Council should be making. He noted that there are still a variety of questions that need to be answered following Council action on the model. The PRC would be forwarded the scope of the model and that the Council could request their input. Their input would be factored in down the road.

City Manager Tewes said that it could be the Council is not interesting in the PRC's opinion on the big decision, but that the Council would like the Commission to implement the model chosen. This may result in the Council not getting buy-in on the model.

Council Member Sellers felt there are certain decisions the Council will need to make. He did not know if there was anything else the PRC would add to the fundamental decision. However, there are many other decisions to be made about programming, who will operate the different programs, and how will they be structured.

Mayor Kennedy said that should the Council decide to go with the YMCA model, YMCA would oversee the model. Should the Council decide to go with a city model, the Council would involve the PRC and staff to work on the municipal model.

Council Member Tate noted that the Committee has been working on the indoor recreation center programming for several months and is making progress. Now, it is being recommended that the programming model be forwarded to the PRC.

Mayor Pro Tempore Grzan recommended that the PRC be allowed to review the work conducted by the Committee to see if they approve or disapprove of the model.

Council Member Tate suggested that the recommendation be forwarded to the PRC as an information item. He indicated that the PRC minutes would provide insight of their comments.

City Manager Tewes informed the Council that the PRC reviewed the summary of the “YMCA Partnership” model. The PRC requested the opportunity to review the results of the survey to which they have. The model and survey results were forwarded to the PRC as an informational item, not for action/recommendation. He indicated that the PRC members who spoke felt the model was not a good idea.

Council Member Carr referred to page 1, Ad Hoc Task Force. He felt the statement captured what the Council ended up with. It is his hope that by April, the Ad Hoc Committee will return to the Council with a performance evaluation schedule.

Mayor Pro Tempore Grzan stated that he looked at the process employed this year and found that it fell short of what it should have been. He felt the performance evaluation process could be made straight forward, cleaner, quicker, and more effective.

Council Member Carr noted the Council indicated it would maintain the current committee structure and membership. He indicated that he presented his suggestions on how Council’s outside appointments might better line up with the Council committee process.

Council Member Sellers felt the Council supported Council Member Carr’s recommendation that the outside assignments align with the Council’s committee structure.

Council Member Tate did not see many changes that would affect this recommendation.

Mayor Kennedy felt the outside agency assignments were in fact aligned with the Council committee assignments.

Council Member Carr indicated that he did not review the outside agency assignments based upon current assignments and where council members sit on committees. He clarified that he reviewed the assignments and identified where the assignments best lined up with the Council committees. He

suggested that maybe one or two council members may need to switch a current outside assignment because the assignments may no longer align with the current committee assignment.

Mayor Pro Tempore Grzan indicated that the frequency of the SCRWA meetings conflict with his schedule.

City Manager Tewes stated that the Council will need to make official appointments to outside agency assignments, even if the Council is confirming the existing committee assignments.

Council Member Carr recommended the Council not assign specific individuals, but that the Council assigns specific roles to the committees. The committees are to decide who is to fill the outside agency assignments. If committee members cannot fulfill these roles based on individual schedules, appointments need to return to the Council for someone outside of the committee to fill this role.

City Manager Tewes indicated that each committee will need to evaluate Council Member Carr's list and determine who among the committee members will serve in the outside agency roles; reporting back to the full Council for appointment.

Council Member Carr inquired whether the entire Council confirms the committee representatives to the outside agency assignments.

Council Member Sellers recommended that every Council committee review the list of outside agency assignments by February 15, 2006. He felt the fundamental decision that needs to be made is whether a committee member is unable to attend the outside agency assignment meetings.

Council Member Carr felt that Mayor Kennedy and Council Member Sellers need to decide who will be the representative on the Cities Association as it falls within the Regional & Transportation Committee; and that the other member would be the alternate to the Cities Association.

Council Member Tate indicated that the Financial Policy Committee met this evening; noting that this committee does not have any other outside assignments.

City Manager Tewes stated that staff will forward Council Member Carr's list to the Council. Council committees are to determine who will serve as the primary and the alternate. The Council will have this information as well as other assignments.

Mayor Pro Tempore Grzan addressed the issue of having a centralized dispatch. It was his belief that the Public Safety & Community Services Committee would review this issue.

City Manager Tewes indicated that at the Council's retreat, the Public Safety & Community Services Committee reported to the Council that this issue is already on their agenda and that they will report back to the Council.

Mayor Pro Tempore Grzan stated that he would like to include the review of the City Charter goal.

City Manager Tewes noted that this was Mayor Pro Tempore Grzan's goal, and was not listed as a Council Goal.

Mayor Pro Tempore Grzan indicated that he would take on the review of the City Charter goal.

Mayor Kennedy felt that the Ad Hoc Task Force would be a goal. Also, under the Downtown Plan Implementation, relating to community and economic development appears to be a goal as well as the statement. He felt the CYSA item would be a policy statement as well as a goal (e.g., City will construct one or more artificial fields for community use; would be a goal).

City Manager Tewes said that staff will implement the construction of the artificial fields as a goal by taking the Council's instruction and modify the Capital Improvement Program accordingly.

Mayor Kennedy felt the statements regarding the CYSA would be goals. He also felt that the YMCA statement would be a goal. Under the budget strategy statement, two would be policies and the last statement would be a goal.

Mayor Kennedy opened the floor to public comments. No comments were offered.

City Manager Tewes informed the Council that staff will write up the policies and goals and place it on a Council agenda for formal action.

**Action:**        *The Council provided the above comments on the proposed 2006 Council Policies and Goals.*

#### **FUTURE COUNCIL-INITIATED AGENDA ITEMS**

None.

#### **ADJOURNMENT**

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 9:47 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, CITY CLERK/AGENCY SECRETARY**

**CITY OF MORGAN HILL  
JOINT REGULAR REDEVELOPMENT  
AND SPECIAL CITY COUNCIL MEETING  
MINUTES – JANUARY 25, 2006**

**CALL TO ORDER**

Chairman/Mayor Kennedy called the special meeting to order at 7:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Agency/Council Members Carr, Grzan, Sellers, Tate and Chairperson/Mayor Kennedy

**DECLARATION OF POSTING OF AGENDA**

Agency Secretary/City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

Mayor Kennedy presented a proclamation to Rosanne Macek, Morgan Hill Community Librarian; and Carol O'Hare, Chairperson, Friends of the Library, proclaiming the month of February 2006 as *Silicon Valley Reads Month*.

Ms. Macek announced that *When the Emperor Was Devine* by Julie Otsuka is the book being featured this year; along with *The Savior – A Daughter Discovers Her Fathers War* by Louise Steinman.

Carol O'Hare announced that the author of *When the Emperor was Devine*, Julie Otsuka, will be in Morgan Hill on Saturday, February 4 at 10:30 a.m. at the Community & Cultural Center. This event is sponsored by the Morgan Hill Reads Coalition that includes the City of Morgan Hill, Friends of the Library, American Association of University Women, Booksmart, Morgan Hill Times and the Morgan Hill Community Library.

**RECOGNITIONS**

Police Chief Cumming and Sergeant Myers presented a Certificate of Appreciation/plaque to Javier Echevarria and IBD Products for outstanding assistance to the Police Department in providing safety equipment and weapon slings for Morgan Hill police officers at no charge. Chief Cumming indicated that Mr. Echevarria recently organized a police reserve officer competition; and has supplied weapon sling systems to U.S. military personnel throughout the world.

Mayor Kennedy presented a Certificate of Recognition to Donna Krein, the Santa Clara County Emergency Manager's Association-Morgan Hill Volunteer of the Year 2005 for her dedicated service to the City of Morgan Hill's Office of Emergency Services, and her work with the Citizen's Emergency Response Team (CERT).

## **AWARDS**

Rosemary Kamei, Board of Director, Santa Clara Valley Water District, presented the City of Morgan Hill with the “Escaping the Constraints” award. She thanked City Manager Tewes for his leadership and the City of Morgan Hill for its continued support of the Water Resources Collaborative. She indicated that the Collaborative and the City have been recognized by the Public Officials for its Water and Environmental Reform. This has been a three-year long effort with a lot of staff time put forth on protecting the environment and moving the California Water Policy forward.

## **CITY COUNCIL SUBCOMMITTEE REPORTS**

No reports presented.

## **OTHER REPORTS**

City Treasurer Roorda presented his quarterly report on the City’s finances. He stated that the City has been operating in a deficit for the past two years and that it is expected that the deficit will continue over the next two years. He indicated that the City is actively seeking feedback from the community on what kinds of decisions the Council will need to make about resolving the deficit. He said that the City is in the red and needs to move toward the black. He said that past council members made a decision not to spend all revenues raised from the late 90s to the early 2000s. Based on these actions, the City was able to build up a considerable reserve and that these reserves have been maintained. However, he noted that the reserves are not an unlimited amount of funds to be used to subsidize the City’s deficit spending. It is felt the City will be at a point where it can no longer subsidize its deficit spending over the next couple of years. He emphasized the efforts the City is conducting. He said that citizens will be receiving invitation to various meetings to participate in Community Conversations. He stated the City is requesting citizen feedback about what needs to be done about the City’s deficit. A part of what needs to take place is for citizens to be educated on how the City got to where it is, what the City’s options are as it moves forward, and assist the Council in making good decisions moving forward.

Mr. Roorda said that although the City has a substantial deficit, and will finish the fiscal year with a deficit. As budgeted, it will not be as large as currently exists. This is attributed to the timing in which the City receives revenues. He noted that revenues tend to come in later in the year and that expenses tend to be flat or reduced as the year progresses. He said the City’s pace in revenues is ahead of last year by 11%; attributed to receiving more in property taxes and sales taxes. He indicated the City expects to receive more revenue in the second half based on the timing of when many of the funds come in from the State in certain areas. He stated that things are improving, growth wise, in the revenue side. Compared to the budget, he said the City is below where it expected to be and that this relates to the seasonality of when the City receives its revenues. It was his understanding that the City is on a path to achieve its budget objectives; and will possibly exceed its objectives. He indicated that police expenses are up because of the new facility, new equipment, and increased pension. He stated that these expenses are included within the budget/budget plan. He said that expenses under administration, recreation and aquatics decline year after year. This may be attributed to reduced expenses seen in the Office of the City Attorney. He stated that the General Fund impact is such that the City is on course where expected

this year. The City should see an increase in revenues coming in to the General Fund over the course of the remainder of the fiscal year. It is the City's hope that revenues will be better than expected in the way of the fund balance at the end of the year to help the City get through the next couple of years as decisions are being made to get the City into balance where revenues meet expenses. Regarding impact to the general fund, he said the City is where it anticipated it would be. He indicated that the fund balance is at \$7.5 million. It is expected that the fund balance will be closer to \$8+ million by the end of the fiscal year. He said there is not an urgent or immediate concern. However, the urgent and immediate concern is for the City to help the public and for the public to be willing to start to learn and understand what the situation is so that they can contribute to the eventual decisions on how to get the City in the black.

### **CITY MANAGER REPORT**

City Manager Tewes announced that in today's mail, almost every postal customer in Morgan Hill will have received an inexpensive but informative newsletter inviting everyone to a series of Community Conversations. He stated the City is encouraging dialogue through the community conversation process. He said that members of the community are being invited to sit down and talk with each other about what is important about the future of Morgan Hill and how we are to pay for city services. He noted the newsletter identifies dates where citizens can actively participate.

### **PUBLIC COMMENT**

Chairman/Mayor Kennedy opened the floor to public comments for items not appearing on this evening's agenda. No comments were offered.

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

**Action:**        *On a motion by Agency Member Tate and seconded by Agency Member Sellers, the Agency Board unanimously (5-0) **Approved** Consent Calendar Items 1-2 as follows:*

1.        **DECEMBER 2005 FINANCE & INVESTMENT REPORT - RDA**  
**Action:** **Accepted** and **Filed** Report.
2.        **ANNUAL STATE REDEVELOPMENT REPORTS FOR FISCAL YEAR 2004-2005**  
**Action:** **Filed** the 2004-2005 Redevelopment Agency's Annual Report of Financial Transactions, Housing Annual Report of Housing Activity, and Property Report.

## ***City Council Action***

### **CONSENT CALENDAR:**

Council Member Sellers requested that item 3 be removed from the Consent Calendar.



**Action:** *On a motion by Council Member Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **Approved** Consent Calendar Items 4-5 as follows:*

4. **MID-YEAR 2005-2006 BUDGET ADJUSTMENTS**

**Action:** *1) **Approved** Proposed Mid-year Adjustments for Fiscal Year 2005-2006; and 2) **Approved** Fiscal Year 2005-2006 Proposed Budget Calendar.*

5. **UPDATE ON CITY-WIDE WATER PRESSURE REPORTS IN RESPONSE TO ISSUES RAISED BY TWO WOODLAND ACRES HOME OWNERS**

**Action:** ***Information Only** at this time.*

3. **DECEMBER 2005 FINANCE & INVESTMENT REPORT - CITY**

Council Member Sellers noted that this is the December 2005 Finance & Investment Report that includes annual data. He referred to the graph that outlined annual sales tax by business category. He noted that the graph shows solid growth in several different categories. He said that a concern raised at the Council's workshop held last week relates to the downtown area. He said that individuals were lamenting that the downtown sales have been flat. He inquired whether staff has been able to review data to indicate that the solid growth being seen is in parallel with the downtown. He inquired whether the downtown has been as solid as the rest of the community.

Finance Director Dilles indicated that staff has more current information than depicted on the graph. He stated that there has been growth in the downtown as a whole, however, not to the same degree as is seen in other segments (e.g., transportation sales).

Council Member Sellers said that while the City continues to state that it wants to do more for the downtown, he felt it important to note the City is doing a lot for the downtown and that it is having a positive impact. He stated that he was pleased to hear the growth is parallel with other categories.

**Action:** *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council unanimously (5-0) **Accepted** and **Filed** Report.*

## ***Redevelopment Agency and City Council Action***

### **CONSENT CALENDAR:**

**Action:** *On a motion by Agency/Council Member Tate and seconded by Agency/Council Member Sellers, the Agency Board/City Council unanimously (5-0) **Approved** Consent Calendar Item 6 as follows:*

6. **SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 11, 2006**

**Action:** ***Approved** the Minutes as submitted.*

## ***City Council Action***

### **OTHER BUSINESS:**

7. **DEVELOP CITY COUNCIL POSITION REGARDING PROPOSED VALLEY TRANSPORTATION AGENCY (VTA) QUARTER-CENT SALES TAX TO SUPPORT LONG-TERM TRANSIT CIP EXPENDITURE PLAN**

Mayor Kennedy indicated that a recent memorandum has been included in the information distributed this evening. The memorandum states that there would be a delay in action by the VTA Board of Directors' decision on the ¼ cent sales tax to the March 2, 2006 meeting. He said that this delay will give the Council additional time to thoughtfully approach this subject. However, he felt it important to hear the thoughts of Council Members on VTA's scenario that includes a ¼ cent sales tax.

Deputy Director of Public Works Bjarke presented the staff report, indicating that the item before the Council is the consideration of the VTA proposal for a 30-year ¼ cent sales proposal that would be on the ballot in November 2006. The ¼ cent sales tax would be used to complete the 2000 Measure A transportation program. He noted that the Council received a presentation from VTA staff last Friday, at its Goal Setting Retreat, describing the program. He said that the Council is being asked to come forward with a position of support or non support of the proposed ¼ cent sales tax and the spending plan; and provide direction to the Council's VTA representative to the board of directors. The transportation program would include extending BART to San Jose in 2016; the initial Caltrain electrification program in 2018; South County Caltrain improvements in 2010 (34 miles of double tracking that would come down to at least the northerly end of Morgan Hill at Tilton Avenue and the area between San Martin and Gilroy); and a \$717 million program for local streets, county expressways and bicycle projects. He informed the Council that the VTA Board of Directors will hold a workshop this Friday, even though the action has been postponed for a month. It is his understanding that the Santa Clara County Board of Supervisors deferred their decision until February 28 and that the VTA Board of Directors will consider this item at their March 2 meeting.

Council Member Tate said that it was his understanding, from the presentation received last Friday that double tracking is not dependent on the passage of the ¼ cent sales tax. It was stated that this project is already committed to and signed off.

Mr. Bjarke confirmed that the double tracking project is moving forward, independent of the passage/failure of the ¼ cent sales tax. The items dependent upon the ¼ cent sales tax are the local street projects and the schedule for BART.

City Manager Tewes indicated that the Council has received three supplemental items on this matter: 1) A memorandum from Cindy Chavez, Chair of the VTA Board, outlining the decision making schedule. 2) An e-mail with the title "VTA Scenario Advisory Committee Summary Comments." Attached to this supplemental are the comments from VTA's various Policy Advisory Committees. 3) A report from the Silicon Valley Leadership Group on their public opinion survey regarding the various tax measures.

Mayor Kennedy indicated that there was an interesting column in Tuesday's Morgan Hill Times that talked about his vote on the VTA Board of Directors or as a member of the Policy Advisory Committee. He said that included in the supplemental information are his comments made at the Policy Advisory Committee meeting. The comments indicate he stated that the Morgan Hill City Council has not taken a position on the proposed expenditure plan. However, the Council has discussed alternatives at length. The comments further indicate the Council identified its priorities as: funding for the Caltrain projects, expanded Caltrain services, additional major arterials, and other projects in South County; including restoring services and implementing community buses. He noted that bus services have been cut back throughout Santa Clara County as a budget cutting measure. The comments go on to state that he expressed qualified support of the proposal on the condition that there is support for the priority projects for South County as requested by the cities of Morgan Hill and Gilroy. He noted that included in the agenda packets are letters written by he and Mayor Pinhero to the VTA Board Chair and the General Manager outlining issues that are of concern/importance to the cities of Morgan Hill and Gilroy. He said that there was a comment about consistency in his position. He stated that he has been consistent, and has been an advocate for BART to San Jose on the condition that South County's needs are met, and that the BART extension to San Jose does not take up all funds available for other projects.

Council Member Tate confirmed that the Council had a lengthy discussion with members of VTA staff who made a presentation last Friday. He said that there was a good interchange and a lot of questions asked. He referred to the memorandum written by Mayor Kennedy, Mayor Pinhero and Supervisor Gage in terms of the benefits to be received in South County from the VTA as part of this package. He noted the letter suggests that South County should receive its fair share of revenues from the incremental tax. He said that there seems to be a lot of willingness, on the part of VTA staff, to take the City of Morgan Hill's questions and concerns back to study further. He noted that the only concrete item contained in the proposal for South County, at this time, is double tracking. He noted that this project is under contract and has been committed to based on the incremental sales tax to be paid in April 2006. Therefore, this project was a benefit to South County from the last tax measure. He indicated that there were discussions about providing additional funding to fix roads in South County or that South County receives proportional funding from the tax measure. It was stated that additional funding for road repair was not possible and that they would agree to study proportional funding. He noted that VTA staff did not commit to providing additional projects other than what is in place. He agreed that there is a benefit to South County for a BART in North County. He would like to see what VTA will agree to in writing. This would allow the Council to determine whether South County will be receiving its fair share of the tax measure, giving some credit to receiving a benefit from BART. Until the Council sees commitments in writing and receives assurances/guarantees to these commitments, he could not support the measure.

Mayor Pro Tempore Grzan indicated that he attended the Council retreat and received the one hour presentation from VTA staff. He asked VTA staff how much they would collect from Morgan Hill with the proposed tax measure over the next 30-years and how many dollars would be returned to South County in terms of projects and programs. He indicated that VTA staff was unable to respond to his questions. He stated that he could not support the tax measure until he sees how much South County would receive from the tax measure. He agreed there is a synergy with BART coming to San Jose and that South County residents would enjoy taking a train into San Jose; taking BART into San Francisco, East Bay or other places. However, in terms of meeting South County needs directly, he was not able to

ascertain whether the sales tax dollars would directly come back to Morgan Hill and or whether there were viable projects to alleviate some of the community's transportation needs.

Mayor Kennedy said that some of the information requested by Mayor Pro Tempore Grzan was included on page 158 of the agenda packet. He said that the letter sent to Milpitas Council Member Livengood, Morgan Hill's previous board representative, indicates that it is expected that a new ¼ cent sales tax would generate \$5.1 billion. He said that Morgan Hill's share of this amount would be approximately \$107 million based on population. Therefore, the total to South County would be \$245 million based on population. He said that Morgan Hill's proportion has not been clearly spelled out.

Council Member Sellers indicated that he is a member of the regional transportation committee and asked to what degree is the community receiving its fair share? He noted that it could be stated that Morgan Hill is receiving extra monies for roads and for roads adjacent to the City. However, it would be difficult to figure out the benefit to Morgan Hill if BART extends to San Jose. He was pleased to hear that there is Council concurrence on BART's benefit to South County. He noted that 80% of Morgan Hill's workforce commutes and leaves town everyday. He felt it to be great news to Morgan Hill that VTA is deferring its vote until March as it gives the City the opportunity to get some of its questions answered. He recommended the Council not come to a final decision this evening as it is important to have the Council's questions answered. He noted that the Council made an interim appointment to the VTA Board. In the discussion of which Council Member would be assigned, or continue in the role on the VTA Board, the Council needs to concurrently talk about how the City can strengthen its position as an individual city. He noted that Morgan Hill is a small city; one of the smallest in the County. He indicated that the City of San Jose has five members on the VTA Board. Morgan Hill has the equivalent of one seat every three years. This does not mean the City cannot do a better job in relaying its position and making sure the City receives its fair share of funding. He said that in addition to the appointment to the VTA board, the Council needs to talk about ways it can be more active and how to vote on this issue that will make Morgan Hill more involved. The City needs to strengthen its position. Until the City figures out how to be a bigger player, it will be difficult for the City to make its case. He felt it would be difficult for VTA to pass the proposed ¼ cent sales tax if there are cities that do not support it, even if they are the smaller cities. He recommended the Council discuss how it can strengthen its position in the appointment to the VTA board and how to direct the representative in the course of the upcoming year.

Council Member Carr stated that he was in general concurrence with the comments expressed by his colleagues. He wanted to have the discussion about getting back into alignment with our neighbors in South County. He felt South County was receiving some attention from cities to the north when South County was a combined voice. He said it is clear that individuals believe Morgan Hill is split on its opinion on this issue from Gilroy. He recommended the City figure out a way to get the combined voice back and to invite Supervisor Gage to these discussions. He stated that he is of the mindset that the reason we have a VTA Board is to improve regional transportation and the regional economic climate. Without a regional body, he did not believe Highway 85 or the Highway 101 widening would have been constructed; both projects significant for the residents of Morgan Hill. It may be the case that Morgan Hill's tax dollars are going outside the community in transportation projects, but felt projects have benefited residents greatly; even when funds are spent on projects outside the city limits. He felt the Council needs to keep the promise(s) it made to voters in the 2000 Measure A initiative. On Friday, he asked VTA staff to identify the expenditure plan as opposed to completing the Measure A commitments

made to the community. He said that the expenditure plan has been developed into an expenditure plan into the future that includes a ¼ cent sales tax and additional sales tax dollars in order to complete projects over a 30-year horizon. He felt the Council should be able to look at the commitments made to voters in 2000 when many supported Measure A and how to complete these projects; including how to speed up some of the projects. The Council can then judge whether it is important to ask voters and taxpayers to pay an additional sales tax when it may be likely the County may be asking the taxpayers to pay a higher tax as well as other entities statewide and locally. He said that he is having difficulty in finding the information he needs to support the tax measure. Therefore, the reprieve of moving the decision back by the VTA Board will be a benefit to Morgan Hill as it tries to learn more about the differences between this spending plan and what was promised in the 2000 measure.

Mayor Pro Tempore Grzan recommended a postponement on a decision until such time new and additional information is received. He stated that he would like to explore other opportunities with VTA in receiving additional information.

Council Member Tate said that it was his understanding that VTA would delay a decision to March 2. It was his impression that VTA staff would study the questions after the City of Morgan Hill supported the measure. He reiterated his position is one that is taking a firm stand on receiving solid answers before supporting the proposed ¼ cent sales tax measure.

Mayor Kennedy referred to item 5 of the Silicon Valley Leadership Group's survey results. He said the survey looked at what would happen if the VTA ¼ cent sales tax and a separate Santa Clara County tax measure were placed on the same ballot. The results of the survey indicate that both sales taxes would fail. If they were combined to be ¼ - ¼ split, the benefits were clear, and it was a general tax, they would both pass. He felt there were serious issues and negotiations that need to take place to see if a measure can be put together that would combine a County ¼ cent sales tax and a VTA ¼ cent sales tax; possibly including some funding for cities as originally proposed by the County Executive of a ½ cent sales tax (1/3 for cities, 1/3 for County, 1/3 for VTA split). He stated that he understands the issues council members have raised. He understands the recommendation that the City of Morgan Hill receives a commitment on what expenditures would be earmarked for South County before expressing support for the VTA scenario. He stated he would push to see if the City can receive these commitments. He would continue to work with South County representatives as the interim board member. He indicated that he has invited Supervisor Gage to the VTA Morgan Hill, Gilroy, Milpitas (MGM) meeting to be held by Morgan Hill, Gilroy and Milpitas to talk about the three-city' position. This meeting will be held next Tuesday in Morgan Hill. He stated he would continue to work toward building consensus among the South County partners. He said that it is clear to him the City of Gilroy is not supportive of any sales taxes. This may be something the cities may not agree on at this point. If it turns out that Morgan Hill favors a package that includes the information requested and involves a ¼ cent sales tax, Gilroy may not support this. Therefore, the City may reach a point where it may not achieve consensus for South County. However, he would continue to attempt to build this consensus among South County cities.

Council Member Carr said that should the City get to a place where South County cities disagree, it would be for specific reasons. He indicated that he would like to know the reasons for Gilroy's

opposition to a tax measure, should they retain this position, even if the City is successful in getting South County projects.

Mayor Kennedy said that Mayor Pinhero has indicated that Gilroy is a border city that borders adjacent counties to the north and south. Should there be a disparity in sales taxes between the two counties, they are concerned that they might lose sales revenues.

Mayor Pro Tempore Grzan inquired whether a general sales tax is no longer a viable option. Can this option be encouraged?

Mayor Kennedy said that a general sales tax is still an option and that could be the leading consideration. He said that a general sales tax would include funding for VTA projects as well as county social services and programs. However, you cannot designate funds for specific projects or programs as this would become a special tax. He noted that a special tax would require a 2/3 majority vote. The current scenario/proposal before the Council is for a ¼ cent sales tax for a 30-year VTA plan. He requested that staff agendize Council discussion on this matter for its last meeting in February in anticipation of receiving answers from VTA in light of their action to postpone their decision on this matter.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Council Member Carr recommended the Council continue to provide comment on the projects as presented by VTA staff. He noted that VTA has projected \$2 billion more than what they were expecting not too long ago. He said that Mayor Pro Tempore Grzan and staff questioned this figure on Friday. He said that VTA staff might be able to explain and justify the projects/numbers to the Council. He felt it would be prudent for the Council to continue to question this as it is a large part of the spending projections VTA has.

Mayor Kennedy said that in his comments at the VTA Policy Advisory Committee, he advocated a position of using a conservative sales tax projection rather than a mid point projection. He said that the VTA survey included a moderate sales tax growth projection as well as a conservative one. He indicated that VTA typically takes a mid point projection. He said that the position he advocated of using a conservative projection is gaining some support.

Council Member Sellers stated that he disagreed with this position for the reasons he raised on Friday. If you take the more conservative approach, you will never include on the list potential projects that might be of significant importance to South County. He felt it important to have a balance. You are not talking about optimistic projections and conservative projections. He did not believe projects would be included using the conservative approach. He felt the bigger players will have their hands out seeking additional funding. It was also important not to be too far at one end of the spectrum and that it was important to strike a balance and have the city's projects included on the list.

Mayor Kennedy said that as the City's VTA representative, he needs to know whether a conservative or mid range projection should be supported. He indicated he has been advocating a conservative approach.

Mayor Pro Tempore Grzan inquired as to what would happen to projects if the upper end of the scale is used and it is found that projects cost more; resulting in insufficient funds becoming available to move forward with these projects.

Council Member Sellers responded that it is a delicate balance and that a case can be made both ways. He noted the City has a hard time listing its projects. If the City's projects are not included on this list and resources appear; history has shown the City has a diminished chance of ever getting its projects considered.

Mayor Kennedy said that Morgan Hill's projects are at the top of the list. The ones that tend to fall below on the list include projects such as Caltrain electrification. He stated that this project is more important to peninsula cities. Should the City take a conservative approach, it would be likely that South County projects would remain on the list while other projects would fall to the bottom of the list, projects that do not have strong support. He noted that the Caltrain electrification project is a \$200 million project and is one that may generate a lot of discussion on whether it is a project that would fall below on the list with a conservative approach being taken.

Council Member Carr said that in all fairness to VTA staff, they explained to the Council that they are using the mid point between a moderate assumption and a conservative assumption and that they may be right. He noted that there is enough question that VTA needs to take a look at their numbers and assumptions. VTA needs to explain these to the Council as it was his belief the Council is questioning VTA's projections.

Mayor Kennedy said that he attended three presentations by the organization that prepared the forecasting. He indicated that Steve Levy was the individual who made the presentation and did an excellent job that answered questions. Unfortunately, he was not able to attend the Council meeting where VTA presented their information. He indicated that he would invite Mr. Levy to a council meeting and allow him to make a presentation before the Council.

**Action:**        *No action taken.*

#### **FUTURE COUNCIL-INITIATED AGENDA ITEMS**

No items were identified.

### ***Redevelopment Agency and City Council Action***

#### **CLOSED SESSIONS:**

Interim City Attorney/Agency Council Siegel announced the below closed session item. He indicated that following the conclusion of the closed session, the Council would reconvene in the Council Chambers and proceed with the continued Special Meeting of Saturday, January 21, 2005.

**1.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	Tichinin v. City of Morgan Hill
Case Number:	Santa Clara County Superior Court, Case No. 1-05-CV-046112
Attendees:	City Manager; Interim City Attorney; Special Counsel Timothy J. Schmal

**OPPORTUNITY FOR PUBLIC COMMENT**

Chairman/Mayor Kennedy opened the Closed Session item to public comment. No comments were offered.

**ADJOURN TO CLOSED SESSION**

Chairman/Mayor adjourned the meeting to Closed Session at 8:10 p.m.

**RECONVENE**

Chairman/Mayor reconvened the meeting at 8:57 p.m.

**CLOSED SESSION ANNOUNCEMENT**

Interim Agency Counsel/City Attorney Siegel announced that no reportable action was taken in closed session and that the City Council/Redevelopment Agency would reconvene the Special Meeting held on Saturday, January 21, 2005.

**ADJOURNMENT**

There being no further business, Chairman/Mayor Kennedy adjourned the meeting at 8:58 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, AGENCY SECRETARY/CITY CLERK**





## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: FEBRUARY 15, 2006**

### **ACCEPTANCE OF PEDESTRIAN CROSSING IMPROVEMENTS AT MONTEREY ROAD AND CENTRAL AVENUE**

#### **RECOMMENDED ACTION(S):**

1. Accept as complete the Pedestrian Crossing Improvements at Monterey Road and Central Avenue project in the final amount of \$237,882.
2. Direct the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

**EXECUTIVE SUMMARY:** The construction contract for the Pedestrian Crossing Improvements at Monterey Road and Central Avenue project was awarded to Granite Construction Company by City Council at their September 7, 2005 meeting in the amount of \$232,232, plus a ten percent contingency of \$23,223, for a total not to exceed amount of \$255,455.

The proposed scope of work consisted of constructing sidewalk bulb-outs on Monterey Road, installing a median on Monterey Road south of Central Avenue, and re-striping existing crosswalks, including additional traffic warning signs, installing handicap ramps, and installing two radar speed display units.

Two change orders totaling \$5,650 were approved for unforeseen conditions, which brings the total contract amount to \$237,882. The work was substantially complete in December 2005, in accordance with the Contract, Plans and Specifications.

**FISCAL/RESOURCE IMPACT:** The total construction cost for this project is \$237,882 and is funded under CIP project #538005. Funding of \$169,290 is from the Safe Routes to School program with an additional \$70,000 from the Measure C Schools, Pedestrian and Traffic Safety Fund (347-37655).

**Agenda Item #17**

**Prepared By:**

**Associate Engineer**

**Approved By:**

**Public Works Director**

**Submitted By:**

**City Manager**

Record at the request of  
And when recorded mail to:

CITY OF MORGAN HILL  
CITY CLERK  
17555 Peak Avenue  
Morgan Hill, CA 95037

RECORD AT NO FEE PURSUANT TO GOVERNMENT CODE SECTION 27383

NOTICE OF COMPLETION  
CITY OF MORGAN HILL

**PEDESTRIAN CROSSING IMPROVEMENTS  
AT MONTEREY ROAD AND CENTRAL AVENUE**

NOTICE IS HEREBY GIVEN, pursuant to Section 3093 of the Civil Code of the State of California, that the Director of Public Works of the City of Morgan Hill, California, on the 5<sup>th</sup> day of October, 2005, did file with the City Clerk of said City, the contract for performing work which was heretofore awarded to Granite Construction Company, on September 7, 2005, in accordance with the plans and specifications for said work filed with the City Clerk and approved by the City Council of said City.

That said improvements were substantially completed on December 23, 2005, accepted by the City Council on February 15, 2006, and that the name of the surety on the contractor's bond for labor and materials on said project is Federal Insurance Company.

That said improvements consisted of the construction and installation of all items of work provided to be done in said contract, all as more particularly described in the plans and specifications therefore approved by the City Council of said City.

Name and address of Owner: City of Morgan Hill  
17555 Peak Avenue  
Morgan Hill, California

Dated: \_\_\_\_\_, 2006.

\_\_\_\_\_  
Jim Ashcraft, Director of Public Works

I certify under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Irma Torrez, City Clerk  
City of Morgan Hill, CA  
Date:



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: February 15, 2006**

**Agenda Item # 18**

**Prepared By:**

**Deputy City Clerk**

**Approved By:**

**City Clerk**

**Submitted By:**

**City Manager**

### **ADOPT ORDINANCE NO. 1752, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH AN R-2 3,500/RESIDENTIAL PLANNED DEVELOPMENT ON A 2.65 ACRE SITE LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF WRIGHT AVENUE AND HALE AVENUE. (APNs 764-32-017 & 018)**

### **RECOMMENDED ACTION(S):**

**Waive** the Reading, and **Adopt** Ordinance No. 1752, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived.

### **EXECUTIVE SUMMARY:**

On February 1, 2006, the City Council Introduced Ordinance No. 1752, New Series, by the Following Roll Call Vote: AYES: Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Carr.

### **FISCAL IMPACT:**

None. Filing fees were paid to the City to cover the cost of processing this application.

## **ORDINANCE NO. 1752, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH AN R-2 3,500/RESIDENTIAL PLANNED DEVELOPMENT ON A 2.65 ACRE SITE LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF WRIGHT AVENUE AND HALE AVENUE. (APNs 764-32-017 & 018)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAINS AS FOLLOWS:**

- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** An environmental initial study has been prepared for this application and has been found complete, correct and in substantial compliance with the requirements of California Environmental Quality Act. A mitigated Negative Declaration will be filed.
- SECTION 4.** The City Council finds that the proposed R-2 RPD Overlay District is consistent with the criteria specified in Chapter 18.18 of the Morgan Hill Municipal Code.
- SECTION 5.** The City Council hereby amends the City Zoning Map as shown in attached Exhibit "A".
- SECTION 6.** The City Council hereby approves the precise development plan as contained in that certain series of documents dated August 11, 2005 (date of receipt by the Community Development Department) on file in the Community Development Department, entitled "Mallorca Site Development Plan" by MH Engineering. These documents, as further amended by site and architectural review, show the exact location and sizes of all lots in this development and the location and dimensions of all proposed buildings, vehicle and pedestrian circulation ways, recreational amenities, parking areas, landscape areas and any other purposeful uses on the project. The precise development plan shall be amended as follows:
- (1) A phasing plan shall be reviewed and approved by staff which: 1) Clearly defines phases I as 6 units consisting of lots 10-15, and phase II as 9 units consisting of lots 1-9; 2) Provides 1 BMR and 1 moderate rate unit in Phase I, and one BMR and 1 moderate rate unit in phase II; and 3) Clearly indicates the limits and improvements proposed within each phase.
  - (2) All floor plans & elevation shall be reviewed by the Architectural and Site Review Board (ARB) prior to final map approval. A site plan shall be provided to the ARB indicating where each model and elevation will be used.

(3) The M140 unit shown on lot 1 shall locate the driveway away from the corner of Wright Ave. and Oak Grove Dr.

**SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 8.** Effective Date Publication. This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the 1<sup>st</sup> Day of February 2006, and was finally adopted at a regular meeting of said Council on the Day of February 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Irma Torrez, City Clerk

\_\_\_\_\_  
Dennis Kennedy, Mayor

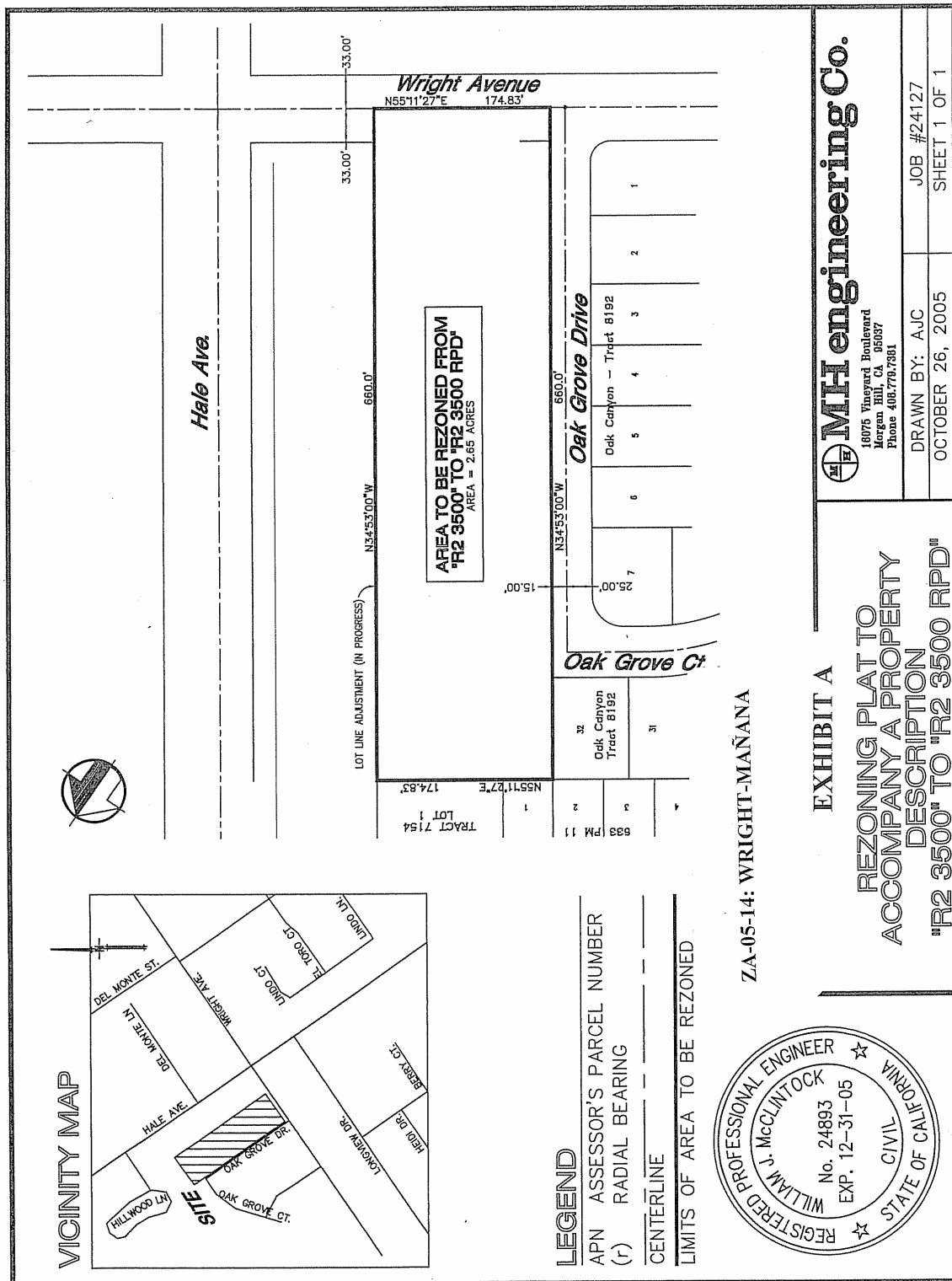
**⌘ CERTIFICATE OF THE CITY CLERK ⌘**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1752, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of February 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**





## ***CITY COUNCIL STAFF REPORT***

***MEETING DATE: February 15, 2006***

**Agenda Item # 19**

**Prepared By:**

**Deputy City Clerk**

**Approved By:**

**City Clerk**

**Submitted By:**

**City Manager**

### **ADOPT ORDINANCE NO. 1753, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT APPLICATION DA-05-07 FOR APPLICATION MP 04-27: WRIGHT AVENUE - DIVIDEND (APN 764-32-017 & 018)**

### **RECOMMENDED ACTION(S):**

**Waive** the Reading, and **Adopt** Ordinance No. 1753, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived.

### **EXECUTIVE SUMMARY:**

On February 1, 2006, the City Council Introduced Ordinance No. 1753, New Series, by the Following Roll Call Vote: AYES: Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: Carr.

### **FISCAL IMPACT:**

None. Filing fees were paid to the City to cover the cost of processing this application.

**ORDINANCE NO. 1753, NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF MORGAN HILL APPROVING DEVELOPMENT  
AGREEMENT APPLICATION DA-05-07 FOR  
APPLICATION MP 04-27: WRIGHT AVENUE -  
DIVIDEND (APN 764-32-017 & 018)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY  
ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council has adopted Resolution No. 4028 establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Municipal Code.

**SECTION 2.** The California Government Code Sections 65864 thru 65869.5 authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property.

**SECTION 3.** The Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded building allocations for fiscal years 2006-2007 thru 2008-2009 to that certain project herein after described as follows:

<u>Project</u>	<u>Total Dwellings</u>
<b>MP-04-27: Wright Ave.-Dividend</b>	<b>FY 2006-07 6 allocations</b>
	<b>FY 2007-08 9 allocations</b>

**SECTION 4.** References are hereby made to certain Agreements on file in the office of the City Clerk of the City of Morgan Hill. These documents to be signed by the City of Morgan Hill and the property owner set forth in detail and development schedule, the types of homes, and the specific restrictions on the development of the subject property. Said Agreement herein above referred to shall be binding on all future owners and developers as well as the present owners of the lands, and any substantial change can be made only after further public hearings before the Planning Commission and the City Council of this City.

**SECTION 5.** The City Council hereby finds that the development proposal and agreement approved by this ordinance is compatible with the goals, objectives, policies, and land uses designated by the General Plan of the City of Morgan Hill.

**SECTION 6.** Authority is hereby granted for the City Manager to execute all development agreements approved by the City Council during the Public Hearing Process.

**SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.



**SECTION 8.** Effective Date Publication. This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the 1<sup>st</sup> Day of February 2006, and was finally adopted at a regular meeting of said Council on the Day of February 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Irma Torrez, City Clerk**

\_\_\_\_\_  
**Dennis Kennedy, Mayor**

**∞ CERTIFICATE OF THE CITY CLERK ∞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1753, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of February 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE:\_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: February 15, 2006**

### **DEVELOPMENT AGREEMENT AMENDMENT DAA-03-11: SAN PEDRO-DICONZA**

#### **RECOMMENDED ACTION(S):**

1. Open/Close Public Hearing
2. Waive the First and Second Reading of Development Agreement Ordinance
3. Introduce Development Agreement Ordinance (roll call vote)

**EXECUTIVE SUMMARY:** A request to amend the Development Agreement for a 32-unit residential development, extending the time limits for obtaining building permits and changing the process for obtaining the building permit for the 3<sup>rd</sup> BMR unit for the San Pedro Villas project located at the northeast corner of Butterfield Blvd. and San Pedro Avenue.

Exhibit B of the approved development agreement requires that 15 (FY 05-06) building permits be obtained by September 30, 2005. The applicant was unable to pull all 15 permits in the deadline. The amended Exhibit B would extend the time limit and identify the 5 units that were pulled by September 30, 2005, the 3 units that were pulled December 2, 2005 and the final 7 units to be obtained by May 31, 2006. The change in the text on page 12 would allow the applicant to pull the final 5 permits before framing was completed on the 3<sup>rd</sup> BMR unit.

At the time of the July 2004 approval of the development agreement the applicant did not foresee any problems with meeting the deadlines. Delays caused by city processing of the final map due to a change in the insurance requirements, as well as an unusually wet 2005 building season directly affected the ability of the applicant to gain all 15 building permits by the September deadline. The change to the Exhibit B and text would bring the applicant into compliance with the amended Development Agreement.

The application was reviewed by the Planning Commission at its January 28, 2006 meeting, at which time the Commission voted 7-0 to recommend approval of the proposed development agreement as prepared. The Planning Commission staff report and minutes are attached for Council's reference.

**FISCAL IMPACT:** None. Filing fees were paid to the City to cover processing of this application.

**Agenda Item # 20**

**Prepared By:**

**Assistant Planner**

**Approved By:**

**Community  
Development Director**

**Submitted By:**

**City Manager**

**ORDINANCE NO. , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT, DA 03-11 TO INCORPORATE CHANGES IN THE SCHEDULE AND PROCESS TO CONSTRUCT THE 3<sup>RD</sup> BMR UNIT FOR APPLICATION MP 02-07: CORY-SAN PEDRO PARTNERS. (APN 817-11-061)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council has adopted Resolution No. 4028 establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Municipal Code.

**SECTION 2.** The California Government Code Sections 65864 thru 65869.5 authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property.

**SECTION 3.** The Planning Commission, pursuant to Title 18, Chapter 18.78.125 of the Municipal Code, Resolution No. 03-17a & b, adopted May 27, 2003, and Resolution No. 04-35 and 04-36 adopted March 23, 2004 has awarded allotments to that certain project herein after described as follows:

<u>Project</u>	<u>Total Dwelling Units</u>
MP 02-07: Cory-San Pedro Partners	32 Single-Family Homes

**SECTION 4.** References are hereby made to certain Agreements on file in the office of the City Clerk of the City of Morgan Hill. These documents to be signed by the City of Morgan Hill and the property owner set forth in detail and development schedule, the types of homes, and the specific restrictions on the development of the subject property. Said Agreement herein above referred to shall be binding on all future owners and developers as well as the present owners of the lands, and any substantial change can be made only after further public hearings before the Planning Commission and the City Council of this City.

**SECTION 5.** The City Council hereby finds that the Residential Development Agreement and Development Proposal approved by this ordinance are compatible with the goals, objectives, policies, and land uses designated by the General Plan of the City of Morgan Hill.

**SECTION 6.** Authority is hereby granted for the City Manager to execute all development agreements approved by the City Council during the Public Hearing Process.

**SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 8.** Effective Date Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

**SECTION 9.** MODIFICATION TO DEVELOPMENT AGREEMENT. The Council hereby approves a text amendment (Section 14 u i) as shown in the attached page 12.

**SECTION 10.** MODIFICATION TO DEVELOPMENT SCHEDULE. The Council hereby approves an amendment to the development schedule as attached in Exhibit B.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the Day of February 2006, and was finally adopted at a regular meeting of said Council on the Day of March 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES:            COUNCIL MEMBERS:**  
**NOES:           COUNCIL MEMBERS:**  
**ABSTAIN:       COUNCIL MEMBERS:**  
**ABSENT:        COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Irma Torrez, City Clerk**

\_\_\_\_\_  
**Dennis Kennedy, Mayor**

**∞ CERTIFICATE OF THE CITY CLERK ∞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of March 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

Page 12, Section 14 (u) (i) of Development Agreement:

(u) Property Owner agrees to include the following affordable housing features in the development:

- (i) The Property Owner shall provide at least three (3) of the units for participation in a Below Market Rate (BMR) for sale program approved by the Community Development Department. The BMR units shall be approved by the City of Morgan Hill Planning Commission and Site and Architectural Review process. One of the BMR units shall be under construction and the framing inspection passed prior to the issuance of the 10<sup>th</sup> building permit and framing inspection passed on the second unit prior to the issuance of the 23<sup>rd</sup> building permit ~~and framing inspection passed on the third unit prior to issuance of the 31<sup>st</sup> permit.~~ ***and building permit and framing inspections passed on the 3<sup>rd</sup> unit prior to obtaining framing inspections on the 27<sup>th</sup> through the 32<sup>nd</sup> units and certificate of occupancy can not be obtained for the 27<sup>th</sup> through 32<sup>nd</sup> units until the 3<sup>rd</sup> BMR unit passes final inspection.***
- (ii) The Property Owner agrees to pay 20 percent of the per unit cost of the standard housing mitigation fee payable to the City of Morgan Hill prior to the issuance of the 15<sup>th</sup> building permit.
- (iii) Below Market Rate (BMR) purchasers shall be treated in the same manner as purchasers of non-BMR units. Developer, including Developer's company, employees, and/or agents) agrees to assist BMR purchasers with all phases of the sales transaction, including, but not limited to, the preparation of any and all documents necessary to complete the sale and representation by a licensed real estate agent/broker.
- (iv) Property Owner will provide the buyer(s) of the BMR unit(s) the same option to upgrade the materials in the BMR home as a market rate buyers would in the market rate homes. Property Owner will provide the same level of customer service to the BMR buyer as the market rate buyer.
  - 1. The Below Market Rate (BMR) Program Guidelines are hereby incorporated herein in full by this reference.
  - 3. Exterior trim entry door hardware, and finish to the same standard as the Market Rate.
  - 4. Minimum standards for equipment, fixtures, appliances and finishes have been established for the BMR units. All items installed shall be of good quality. Good quality shall be deemed as entry level but generally not the lowest level of product offered for that application. All products shall offer durability, reliability and maintain a quality

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**EXHIBIT "B"**

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**DEVELOPMENT SCHEDULE MP-02-07: CORY – SAN PEDRO PARTNERS  
FY 2004-05 (17 units), FY 2005-2006 (15 units)**

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<b>I. SUBDIVISION AND ZONING APPLICATIONS</b>		
Applications Filed:		October 2, 2003
Phase II (8 lots)		April 20, 2004
<b>II. SITE REVIEW APPLICATION</b>		
Application Filed:		
Phase IA and IB (17 units)		October 2, 2003
Phase II (15 Units)		September 1, 2004
<b>III. FINAL MAP SUBMITTAL</b>		
Map, Improvements Agreement and Bonds:		
Phase IA (9 lots):		March 31, 2004
Phase IB (8 lots):		July 1, 2004
Phase II (15 lots):		February 1, 2005
<b>IV. BUILDING PERMIT SUBMITTAL</b>		
Submit plans to Building Division for plan check:		
FY 2004-05 (17 Units)		September 30, 2004
FY 2005-06 (15 Units)		June 30, 2005
<b>V. BUILDING PERMITS</b>		
Obtain Building Permits:		
FY 2004-05 (17 Units)		December 23, 2004
FY 2005-06 <del>(15 Units)</del> (5 Units)		September 30, 2005
(3 Units)		<b>December 2, 2005</b>
(7 Units)		<b>May 31, 2006</b>
Commence Construction:		
FY 2004-05 (17 Units)		June 30, 2005
FY 2005-06 (15 Units)		June 30, 2006

Failure to obtain building permits and commence construction by the dates listed above, shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit two (2) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.



**CITY COUNCIL STAFF REPORT**  
**MEETING DATE: February 15, 2006**

**ZONING AMENDMENT ZAA-98-01: E. DUNNE- SHAW**

**RECOMMENDED ACTION(S):**

1. Open/Close Public Hearing
2. Waive the reading in full of the Zoning Amendment Ordinance
3. Introduce on first reading Zoning Amendment Ordinance (roll call vote)

**EXECUTIVE SUMMARY:** The applicant is requesting an amendment to an existing Planned Unit Development (PUD) to allow for a shared monument sign for the Children's Garden and the All Safe Mini Storage Facility, to be located on the southeast corner of the intersection of E. Dunne and San Benancio Way.

At the time the original PUD was established, with the Day Care facility along E. Dunne Avenue and the mini storage facility behind it, a sign program was never discussed or established. The plans had shown the sign to be located on the corner, but it was never discussed or explicitly approved for a shared sign for the two businesses. The applicant later learned the sign was not allowed by the PUD. However, the applicant is now requesting amendment of the PUD at this time, due to a change in circumstances. There will be a housing development going up on the lot to the west, limiting the mini storage's site line visibility from E. Dunne Avenue. The applicant contends that the site was developed as one development. Other PUD developments and shopping centers have been allowed to have off-site signage, being processed as a single PUD development. Normally they would have established a sign program, which was not the case here, but is now proposed.

As apart of this application they have designed a freestanding monument sign incorporating design elements of the Children's Garden building. The proposed sign is 32 square feet standing 6 feet high, to be placed in a landscaped area, located on the corner that will display both of the businesses within the PUD.

The application was reviewed by the Planning Commission at their January 24, 2006 meeting, at which time the Commission voted 6-1 (Lyle no) to recommend approval of the proposed zoning amendment. The Planning Commission staff report and draft minutes are attached for Council's reference.

**FISCAL IMPACT:** None. Filing fees were paid to the City to cover processing of this application.

**Agenda Item # 21**

**Prepared By:**

**Assistant Planner**

**Approved By:**

**Community  
Development Director**

**Submitted By:**

**City Manager**

**ORDINANCE NO. , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL TO AMEND A PRECISE DEVELOPMENT PLAN TO ALLOW FOR THE SHARED USE OF A 32 SQUARE FOOT MONUMENT SIGN TO BE LOCATED ON THE SOUTH EAST CORNER OF THE INTERSECTION OF EAST DUNNE AVENUE AND SAN BENANCIO WAY. (APN 817-11-013)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.

**SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.

**SECTION 3.** This proposed amendment is exempt pursuant to CEQA section 15303 (e).

**SECTION 4.** The City Council hereby approves an amendment to the precise development plan to allow a 32 square foot shared monument sign for the parcel as shown on the attached zoning plat (Exhibit B).

**SECTION 5.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

**SECTION 6.** Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the Day of February 2006, and was finally adopted at a regular meeting of said Council on the Day of March 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>



**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Irma Torrez, City Clerk**

\_\_\_\_\_  
**Dennis Kennedy, Mayor**

**∞ CERTIFICATE OF THE CITY CLERK ∞**

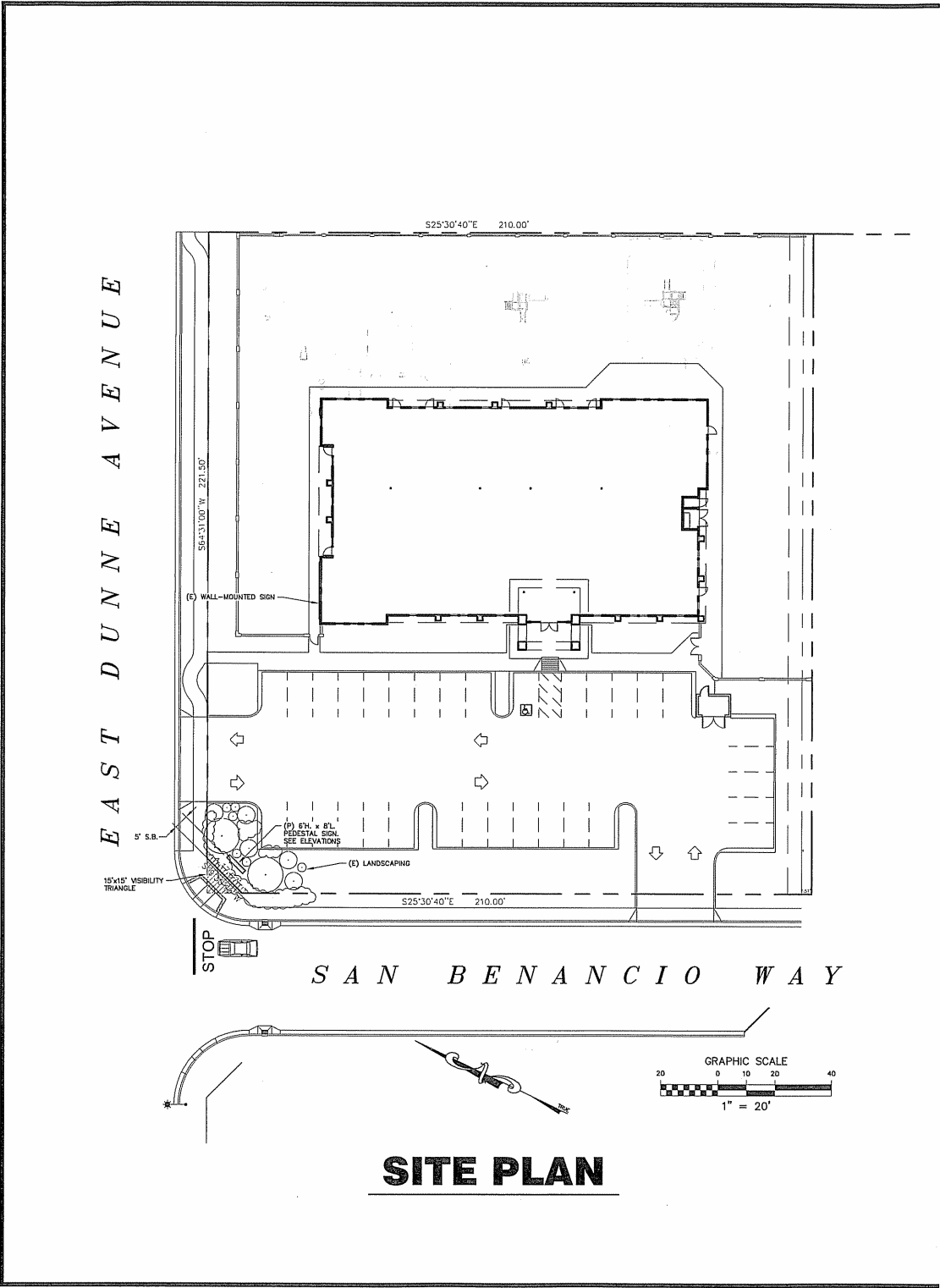
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of March 2006.

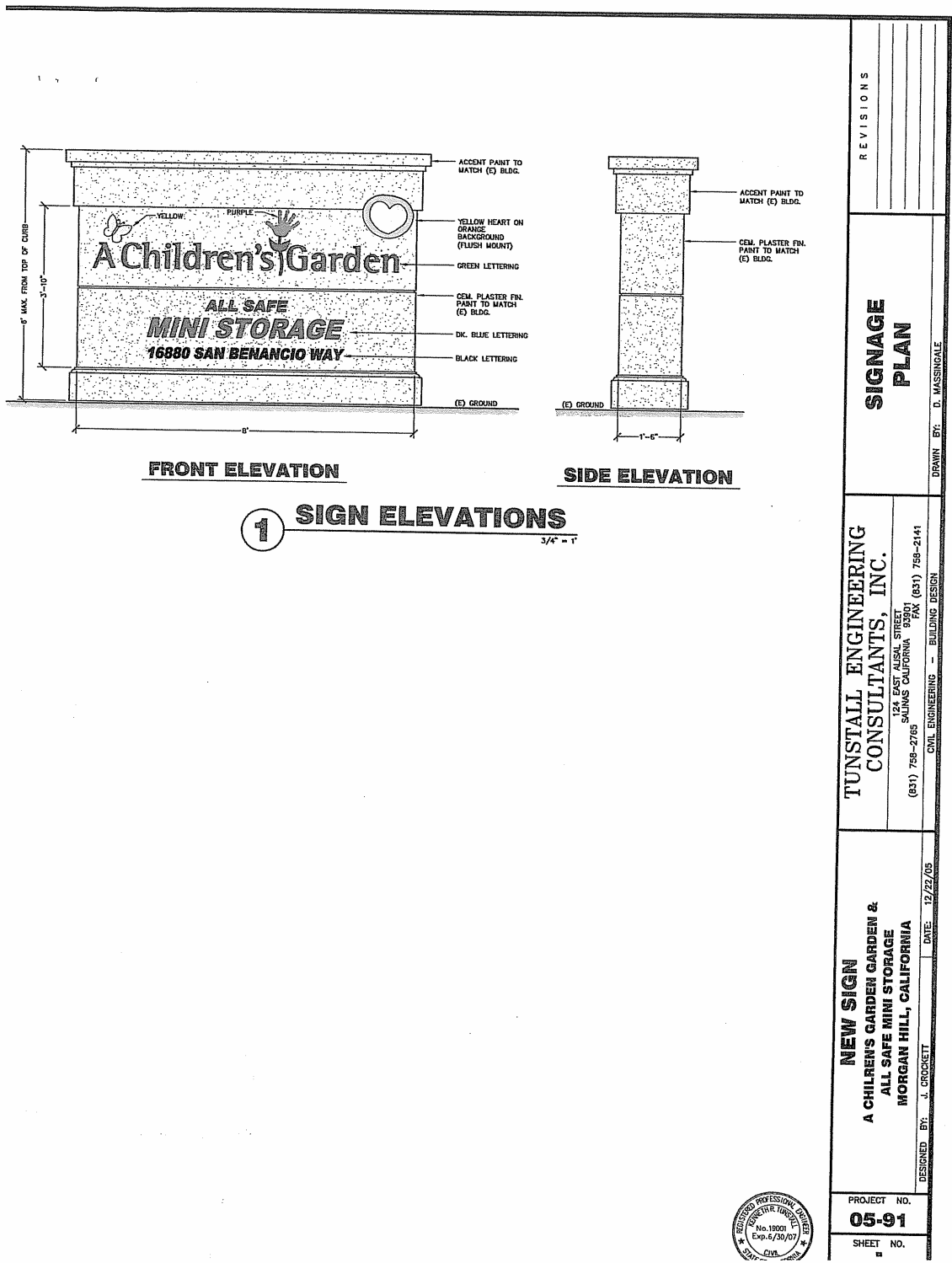
**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

Exhibit B







## **CITY COUNCIL STAFF REPORT**

**MEETING DATE:** *February 15, 2006*

### **ZONING AMENDMENT ZA-05-13; DEVELOPMENT AGREEMENT, DA-05-12: SAN PEDRO- AHMADI**

#### **RECOMMENDED ACTIONS:**

1. Open/Close Public Hearing
2. Waive the reading in full of the Zoning Amendment Ordinance
3. Introduce on first reading the Zoning Amendment Ordinance (roll call vote)
4. Waive the reading in full of the Development Agreement Ordinance
5. Introduce on first reading the Development Agreement Ordinance

#### **EXECUTIVE SUMMARY:**

A request for approval of a Residential Planned Development (RPD), and request to approve a development agreement for a 3-unit development located on the southeast corner of the intersection of San Pedro Avenue and Cory Lane. Two of the units are “exempt” from Measure C; the third unit received the required allotment in March 2005.

The proposed Zoning Amendment would establish a precise development plan for a 3-unit development which would establish single family attached homes on lots ranging from 4,010 to 4,746 square feet in size. The zoning amendment is to allow the modified setbacks between the homes on Lot 1 and Lot 2. The units as proposed on the lots meet the R-2/3,500 setback and building height requirement for single family attached. The proposed precise development plan meets RDCS commitments.

In accordance with established Council policy, all residential projects awarded building allotments through Measure “C” must secure Council approval of a development agreement. Development agreements are required as a formal contract between the developer and the City. The 2004 Measure “C” commitments and a processing schedule are included within the agreement. (See Exhibit “B” of the agreement for schedule.)

The Commission considered the Zoning Amendment and Development Agreement at the January 24, 2006 meeting and voted 7-0 to recommend approval. The Commission’s staff report and draft minutes are attached for Council’s reference.

**FISCAL IMPACT:** None. Filing fees were paid to the City to cover processing of this application.

**Agenda Item # 22**

**Prepared By:**

**Assistant Planner**

**Approved By:**

**Community  
Development Director**

**Submitted By:**

**City Manager**

**ORDINANCE NO. , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT TO ESTABLISH AN R-2 3,500/RESIDENTIAL PLANNED DEVELOPMENT ON A .298 ACRE SITE LOCATED ON THE SOUTH SIDE OF SAN PEDRO AVENUE AT THE EASTERLY CORNER OF CORY LANE (APN 817-59-052)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

- SECTION 1.** The proposed zoning amendment is consistent with the Zoning Ordinance and the General Plan.
- SECTION 2.** The zone change is required in order to serve the public convenience, necessity and general welfare as provided in Section 18.62.050 of the Municipal Code.
- SECTION 3.** This project is categorically exempt from CEQA under Section 15315, Minor Land Division.
- SECTION 4.** The City Council finds that the proposed R-2 RPD Overlay District is consistent with the criteria specified in Chapter 18.18 of the Morgan Hill Municipal Code.
- SECTION 5.** The City Council hereby amends the City Zoning Map as shown in attached Exhibit "A".
- SECTION 6.** The City Council hereby approves the precise development plan as contained in that certain series of documents dated October 27, 2005 (date of receipt by the Community Development Department) on file in the Community Development Department, entitled "Cory Lane Site Development Plan" prepared by MH Engineering. These documents, as further amended by site and architectural review, show the exact location and sizes of all lots in this development and the location and dimensions of all proposed buildings, parking areas, landscape areas and any other purposeful uses on the project.
- SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.
- SECTION 8.** Effective Date Publication. This ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the Day of February 2006, and was finally adopted at a regular meeting of said Council on the Day of March 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Irma Torrez, City Clerk**

\_\_\_\_\_  
**Dennis Kennedy, Mayor**

**∞ CERTIFICATE OF THE CITY CLERK ∞**

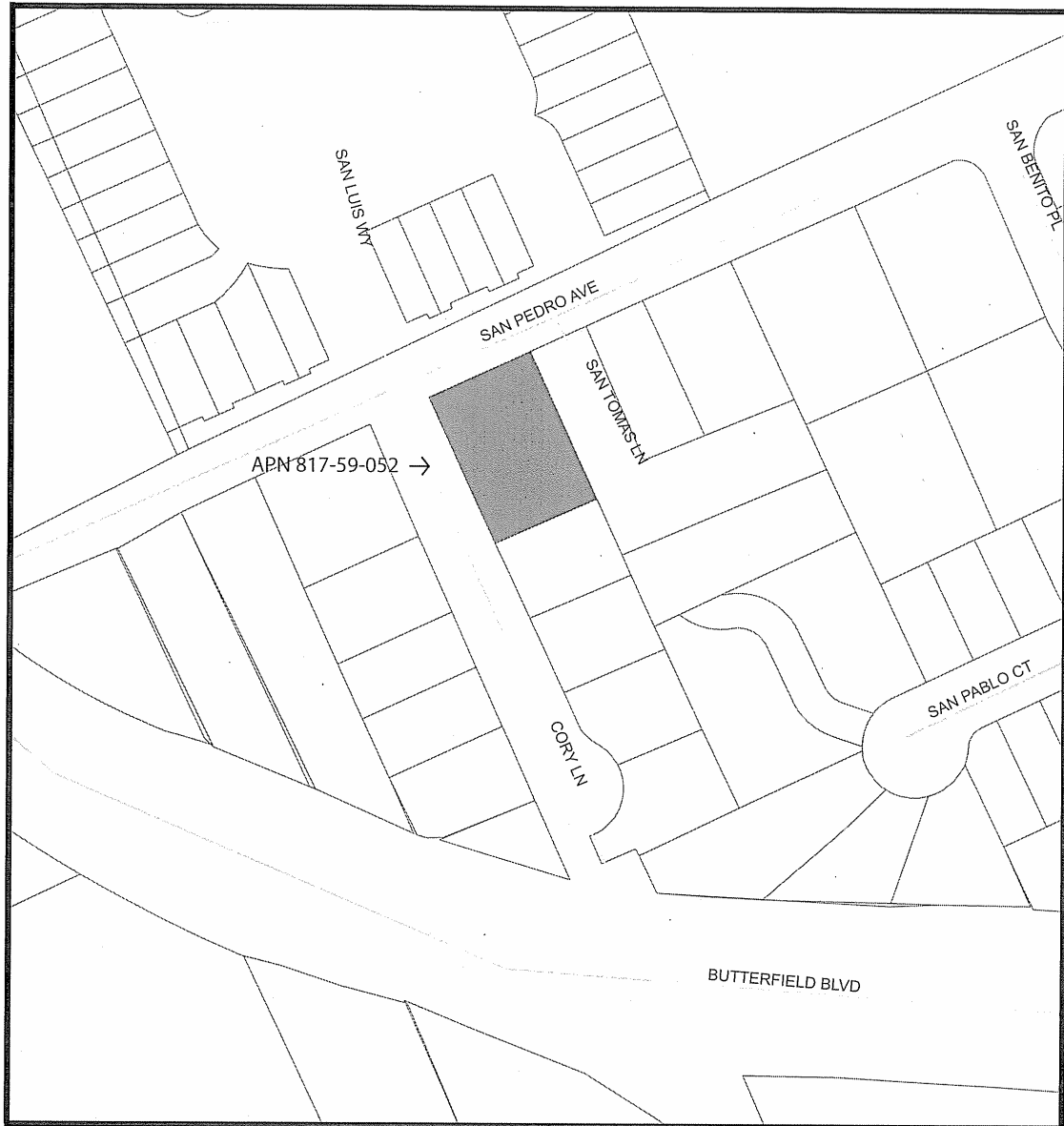
**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of March 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

**Exhibit A**

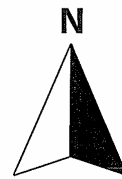


Not to Scale



**Vicinity Map**

ZA-05-13, San Pedro, Adhamdi  
R-2, 3500 RPD



**ORDINANCE NO. , NEW SERIES**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT, DA 05-12 SAN PEDRO-AHMADI FOR APPLICATION MMC-04-06: SAN PEDRO-AHMADI (APN 817-59-052)**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council has adopted Resolution No. 4028 establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Municipal Code.

**SECTION 2.** The California Government Code Sections 65864 thru 65869.5 authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property.

**SECTION 3.** The Planning Commission, pursuant to Title 18, Chapter 18.78.125 of the Municipal Code awarded building allocations for fiscal year 2006-2007 to a certain project herein after described as follows:

<u>Project</u>	<u>Total Dwelling Units</u>
MMC-04-06: San Pedro- Ahmadi	1 Single-Family Home

**SECTION 4.** References are hereby made to certain Agreements on file in the office of the City Clerk of the City of Morgan Hill. These documents to be signed by the City of Morgan Hill and the property owner set forth in detail and development schedule, the types of homes, and the specific restrictions on the development of the subject property. Said Agreement herein above referred to shall be binding on all future owners and developers as well as the present owners of the lands, and any substantial change can be made only after further public hearings before the Planning Commission and the City Council of this City.

**SECTION 5.** The City Council hereby finds that the development proposal and agreement approved by this ordinance is compatible with the goals, objectives, policies, and land uses designated by the General Plan of the City of Morgan Hill.

**SECTION 6.** Authority is hereby granted for the City Manager to execute all development agreements approved by the City Council during the Public Hearing Process.

**SECTION 7.** Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.



**SECTION 8.** Effective Date Publication. This ordinance shall take effect from and after thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

The foregoing ordinance was introduced at the regular meeting of the City Council of the City of Morgan Hill held on the Day of February 2006, and was finally adopted at a regular meeting of said Council on the Day of March 2006, and said ordinance was duly passed and adopted in accordance with law by the following vote:

**AYES: COUNCIL MEMBERS:**  
**NOES: COUNCIL MEMBERS:**  
**ABSTAIN: COUNCIL MEMBERS:**  
**ABSENT: COUNCIL MEMBERS:**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Irma Torrez, City Clerk**

\_\_\_\_\_  
**Dennis Kennedy, Mayor**

**∞ CERTIFICATE OF THE CITY CLERK ∞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Ordinance No. , New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the Day of March 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**